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### The Week

SENATOR BORAH has since the armistice in many different ways earned the distinction of being the most alert and capable man in American public life. During a period of great uncertainty when the time tables were out of date and it was difficult for a political leader to start on a journey without boarding the wrong train, Mr. Borah has shown an uncanny skill in selecting a destination at which he could arrive. He expects no doubt to add another successful expedition to his record by his recent attempt to force on the administration the calling of a conference which would deal with the economic dislocation of Europe, but in this case he has, we fear, caught a train which will not carry him to his destination. The object which he seeks to accomplish by his proposal is indeed wholly admirable; and sooner or later all good Americans will so consider it. He wishes to bring about closer political and economic cooperation between the United States and Europe. Unfortunately his proposal conceals all the real difficulties of the task behind the pleasant appearance of an amiable façade.

BY forcing the administration to call a conference which would deal with the economic dislocation of Europe, just as he forced it to call a naval disarmament conference, Mr. Borah doubtless expects to repeat the success which American diplomacy won last year in Washington. As a matter of fact he would only invite the failure which British diplomacy suffered last year in Genoa. The American government was successful at Washington because it was strong enough to take the initiative and induce the other conferees to follow along. The British government was unsuccessful at Genoa because, while it took the initiative, it was not strong enough to induce the other conferees to follow its lead. In the case of a Washington conference about the economic disabilities of Europe the American government would occupy a weaker position than the British government occupied at Genoa, a weaker position than Mr. Wilson occupied at Paris. It would not possess either the material resources or the moral and intellectual power to take a strong line and to launch a program of reconstruction and reconciliation which the European nations would have any sufficient inducement to accept. Senator Borah does not propose to bestow these resources on the administration. If he did his resolution would not have the remotest chance of passing. In its present vague and ambiguous form it would impose upon the President a burden, the successful performance of which the declared policy of Congress has already rendered impossible.

"THERE is no use," said Mr. Borah in a recent statement, "to talk about not considering or about not dealing with it [the problem of European economic reconstruction]. The only legitimate problem for debate is how can you deal with it most effectively? . . . I repeat, the only question is how can you help—what is the best method? Upon that I have an open mind." He is in our opinion entirely right in insisting that the only legitimate problem for debate is how can you deal with it most effectively, but this is precisely the

problem which the proposed economic conference would seek to settle by means of American leadership but without any sufficient previous discussion and agreement in the parliament of American public opinion. If Senator Borah had known how to bring about future cooperation between Europe and America, he would have proposed in his conference resolution a specific method of accomplishing the result which would really benefit Europe and at the same time be acceptable to American public opinion. Senator Borah has simply shirked the doubtful and difficult part of the problem under the pretence of making a great advance towards its solution. If a conference is called by the American government, he should be placed at the head of the American delegation and be asked to propose the practicable method of cooperation, about which he is so open-minded.

**BOTH** Europe and the United States are suffering at present, not from isolation, but from a political and economic maladjustment which is the outward and visible result of the profound internal conflicts. The American nation is trying to recover its domestic composure after the artificial and unnatural dislocation of the war. Europe is utterly disorganized politically and economically. That disorganization is the product not of a superficial cause but of the defects in its fundamental law—the Treaty of Versailles. Europe is not ready to rebuild its legal foundation. As long as the Treaty remains the fundamental law of Europe, American assistance will be costly and distracting to the American people without being of any use to Europe. Not until Europe is willing to abandon the Treaty and so render a unified Europe possible, will American assistance have some chance of being fruitful. In the meantime a conference, called by the American government, would, if it were successful, only result in making the American nation more or less responsible for the present reign of violence in Europe and the results thereof.

**IF** Senator Borah is in earnest in seeking to help the administration in helping Europe, he can do it in a far simpler and less pretentious way than by proposing an economic conference. He can offer a bill which will give the President a substantial increase of discretion in the negotiations with the European governments about the settlement of their war debts to this country. The inability of the Debt Refunding Commission under the existing legislation to grant easy and flexible terms to the hard pressed European nations is the mischievous aspect of the official American attitude to

Europe. In this respect the United States is not only of no help to Europe but it is seriously and unnecessarily adding to European difficulties. If Congress would empower the Debt Commission to negotiate a settlement with the European debtors which looked towards scaling down the interest on the debt and would permit them to postpone payment until they are completely recovered, it would be serving Europe and America far better than by calling an economic conference.

**THE** best showing that can be made for the financial position of France is presented by M. Lasteyrie, Minister of Finance. He stresses an encouraging reduction in military expenditures, from 18 billion francs in 1919 to 7.6 billion in 1920, 6.3 in 1921 to 4.9 in 1922. True, we are left in the dark as to the part of the French army costs saddled directly upon Germany, under the head of the cost of the army of occupation. But we know no reason why this item should have increased. The most significant figures, however, are those for total receipts and expenditures in the budget for 1923. They are 19.3 billion and 23.1 respectively, leaving a deficit of nearly 4 billions to be covered by increased borrowings. No allowance is made by M. Lasteyrie for interest on the debt to England and America, which would amount to 1.5 billions of francs gold, or 4.5 billions paper. Nor is any allowance made for the twenty billions and more that will be spent on pensions and rehabilitation of the devastated regions. This sum is theoretically recoverable from Germany, but little or none of it will be recovered this year, if ever. At the end of twelve months France will be about 30 billion francs deeper in the hole than she is now, and already her interest charges amount to over 12 billions. At the present rate of progress the interest charge will have grown to 20 billions by 1929, a sum exceeding the actual public revenue of today and the probable public revenue of 1923—unless of course the franc depreciates. One need not be a prophet to foresee a financial smash in France. The only qualification required for sound prediction in such a case is a command of simple arithmetic.

**SINCE** the ship subsidy measure is going to fail, we shall go on running our government fleet at a cost which may be greater than the subsidy if the business is badly conducted. Common sense would suggest that the business will not be well conducted by an official who does not believe in it. Mr. Lasker does not. He has been one of our most immoderate critics of government enterprise, one of our most active propagandists for turning the

merchant fleet over to private concerns to be operated by the aid of a subsidy. He has a right to his convictions. But has he a right to remain in office, losing public money and reiterating with gloomy satisfaction, "I told you so"? It is no part of our assumption that Mr. Lasker deliberately piles up losses or turns his back on possibilities of profit. We do not lay undue stress on such incidents as that of the *Alanthus*, reported by the *Locomotive Engineers Journal* for December. This ship had been sold by the Shipping Board for \$1600. It caught fire, later, and the damage was estimated at \$25,000. There was still enough of the ship left for the owners to spend a good deal of money salvaging it. We do not think that this case is characteristic of the way our government investment in ships is being handled. We do believe, nevertheless, that it would show smaller losses if the bulls had it instead of the bears.

MR. WILL H. HAYS has acted both wisely and courageously in allowing "Fatty" Arbuckle to return to the screen. Arbuckle has furnished in the past a great deal of innocent and wholesome amusement to millions of people; and there is no sound reason why he should be prohibited from continuing to play the clown. A grave doubt really exists whether he was guilty of the crime for which he was indicted and tried. When American juries disagree about condemning a man for a crime of that kind, the evidence must have been profoundly questionable. Such being the case it is just, as well as charitable, to give the man a chance to recover his place on the screen and in society. The audiences which enjoy an opportunity of seeing him and laughing at him will not be condoning vice even if he had committed the crime which he was charged with committing. But if the fault which he actually committed was, as well-informed people believe, merely that of breaking the Volstead Act, it would be inexcusable moralistic pedantry to ostracize him on that pretext for the rest of his life.

APPARENTLY there is very little enthusiasm in Congress for the proposed constitutional amendment restricting the issue of tax free securities by the state and local governments. There would be less enthusiasm in the state legislatures if they were called on to ratify the amendment. Is there not a simpler way of reaching the same end? We still have the inheritance tax. By stiffening its terms we could prevent the building up of vast tax free fortunes. We could go farther, within the limits of the Constitution, by differentiating between the items in an estate which have been sub-

ject to federal taxation and those that have not been, and placing a high surtax on the latter. The Swiss government has employed its control of estates to reach unlawful evasion of the income tax. When the estate of a decedent revealed the fact that his income must have been understated, the government has exercised the right of collecting presumptive back taxes. We could do something of the kind with the tax free securities that appear in the estates subject to inheritance taxation.

OIL is no doubt one of the clues to the British policy deployed at Lausanne. But the chief clue is India. The idea of India as the keystone of the British imperial arch retains its pristine vitality. It is an idea for which the British have fought many wars and will fight more, if they must. The British insist on the right in peace to send into the Black Sea as strong a navy as any Black Sea power commands, and the right in war to send in their whole fleet if they choose. That is meant as a club over Russia's head. The British need it, because with reference to India Russia is always a political aggressor. Control of the Black Sea would give the British the power to inject so violent a disturbance into Russian life as to make the success of a campaign against India extremely doubtful. The value to Russia of closing the Straits to warships is less than the value to the British of keeping the Straits open. The Turks have made the two powers bid against each other and have found that the British will pay the better price. That is why British diplomacy has defeated Russia at Lausanne.

POLITICALLY there is a close parallel between the course of events in the Italian and the Russian revolutions. In both cases an energetic and unified minority divested a divided and nerveless, though constitutional majority of the governmental authority. Mussolini and Lenin are in perfect accord as to the superiority of force to traditional right. Lenin concentrated the communists in the Red army, partly to increase the effectiveness of the force they represented, and partly to confirm their loyalty by giving them work they liked. Mussolini has decided upon an identical disposition of the Fascisti. Seventy thousand of them are to be enrolled in a "militia for national defence." Just as Lenin found that one of his first tasks was putting down other red organizations, such as the anarchists and the social revolutionists, so Mussolini finds himself confronted with the task of putting down other nationalistic organizations, such as D'Annunzio's Legionaries, the Nationalists and the Republicans. Revolutionary state building is a remarkably uniform process.

## Politics vs. Reparations

**T**HE German government, it is stated, recently asked the American government to arbitrate the vexed question of reparations. The statement isn't true, but it might have been. A preceding German government made a similar request in the spring of 1921 and was refused. At present the American government still will not arbitrate, but it is not unwilling to advise. If France and Great Britain consent, it may despatch a group of American business men to Germany who will estimate how much Germany can pay. This estimate is supposed to be final, and by being final it is to settle the problem of reparations. The idea is to find out by impartial arbitration Germany's ability to meet her obligations and then really force her to pay. Something of this kind is the advice and the assistance the superior wisdom of America is now offering to a distressed Europe.

Will it work? We doubt whether it will. The British government might accept the plan. The French government would not. It has indicated its willingness to reduce the indemnity to a more moderate amount, but only in return for a remission of debts which France owes to its associates.

But even if the French government would consent, the plan would not provide a final settlement of the problem of reparations. It is based on two unsound assumptions which have vitiated so many attempts since the signature of the Treaty of Peace to obtain an indemnity from Germany. It assumes that Germany's ability to pay is capable of fairly accurate mathematical determination, and that the amount, whenever it is determined, is collectible by force. These two assumptions conceal dangerous fallacies under an appearance of sound good sense. It is impossible to determine the amount of reparations which is collectible from Germany without arranging for the consent of the German people to the payment, and any effective consent on the part of the German people is precisely the condition which the second part of the assumption necessarily excludes. The major premise of all the negotiations between Germany and the victorious Allies which have taken place since the armistice has been the negligibility of Germany and the righteousness and wisdom of dispensing with her consent to all decisions about her future welfare and destiny. It is the barbarism of this major premise which has falsified and will continue to falsify all calculations about Germany's ability to pay.

"The real difficulty," said Professor Edwin Canaan in the issue devoted to reparations of the Manchester Guardian Reconstruction Supplement,

"is not that Germany cannot pay, nor that it would not be pleasant and easy to receive a great sum, but that Germany is not willing to pay it or any other sum, big or little. So the practical question is how much of the sum she can be induced to pay. Inducement possibly covers compulsion, but experience, ancient and modern, shows it to be extremely difficult for one nation to keep another even in nominal subjection unless there is a very wide difference in civilization or racial capacity between the two. It is still more difficult for alien governors to make a profit out of their domination. . . . There is no long-run profit but only loss to be got out of 'drastic' measures to compel Germany to pay. What then remains? Nothing but that the Allies must induce Germany to pay by offering in exchange all that they give without disadvantage to themselves. . . . What the Allies can offer Germany without disadvantage to themselves is (1) guarantees of peace, goodwill, freedom of trade and personal intercourse and (2) retirement from the occupied territory. For these things Germany would be both able and willing to pay largely."

These words of Professor Canaan are an expression of the most rudimentary common sense, as applied to the problem of obtaining reparations from Germany. Of course the ability of the victors to make Germany pay exists only as a consequence of the power of coercion with which their military victory armed them, but they should have used their unlimited power to damage Germany as their strongest card in negotiating a genuine agreement rather than as a supposed irresistible weapon with which they could force Germany to carry out terms disastrous to her welfare and destructive of her self-respect. If a Treaty of Peace, which was necessarily the most important condition in the life of the whole German nation for a generation, was to operate, its operation required the leverage not merely of a formal signature by the German government but of the positive acquiescence by the people themselves. The only way to obtain that acquiescence was by honestly consulting them, and putting up to them the necessity of assuming a heavy burden, but offering them at the same time an alleviation of the penalties and a guarantee of security and recovery in so far as they honestly agreed to pay and kept their agreement. Such a bargain was possible in May, 1919. The terms submitted by the then German government provided for payments which possessed a cash value of about \$7,500,000,000 which would have repaired all the damage actually inflicted by the invading armies. But the victors would not bargain. They would only issue ulti-

matums which the German government was obliged to accept, which it could not carry out and which were bound to provoke conscious or unconscious popular resistance. The German people were ruined if they did and they were ruined if they didn't. What difference did it make? At best they could only beg for mercy.

It will not do any good for an American committee to decide upon a definite reparations total, say of \$10,000,000,000, impose it on Germany and inform her that, if she defaults this time, her creditors will seize her assets. Under such conditions Germany will not pay \$10,000,000,000 any more than she will pay \$32,000,000,000. The Allies must offer something in return for the prodigious effort which the German people must now exert in order to render it possible for them to pay a substantial sum. The fact that the present German government might like the American government to arbitrate the reparations problem and agrees to accept the result is unfortunately no longer a decisive fact. The Germans as a nation are incapable, at the present moment, of responsible moral action. They are so demoralized by the treatment which they have received during the past four years and are so beside themselves with fear of the penalties which the French government proposes to inflict upon them that they are casting about in desperation for any means of security. Their abject demoralization is more ominous than the French chauvinism. How can a people which have been rendered both hopeless and spineless and whose power of continuous moral effort is drained away by outbursts of rage and fear and self-pity, be expected to put forth the prodigious exertions which are indispensable to their own recovery and that of Europe?

We agree, consequently, with Mr. Norman Davis when he says that "the problem of reparations is political and not economic or financial and that until this fact is realized and acted upon, they will make no progress towards a definite settlement of reparations, economic recovery and future stability." There is no way of dissociating the problem of reparations from the essentially political problem of providing for the present and future security of Germany and France and Europe. Where the New Republic differs from Mr. Davis is in its conception of the method which a wise statesmanship should adopt in order to soothe European disorder. He apparently believes that the nation whose insecurity is the immediate cause of this disorder is France. He wishes the United States to join with Great Britain in guaranteeing the French frontier, and he expects to confer on Europe the needed security and an opportunity to

deal with the reparations problem on its merits as the consequence of such a defensive alliance. He believes all this in spite of the fact that France is in a military sense relatively more powerful in Europe than she has been since the battle of Austerlitz, that she herself is using her power to occupy German territory and to terrorize the German nation, and that Germany is utterly impotent at present to threaten French security and that she could never regain her military strength and menace the French frontier without giving France and the world abundant notice. It is astonishing that so many intelligent Americans succumb to French propaganda and propose to promote peace and order in Europe by entering into a military alliance with the nation which is doing most to disturb peace and order in Europe. France is certainly entitled to guarantees of future security before she disarms, but the critical question of the present moment concerns German rather than French security. The French government is pursuing a policy toward Germany which necessarily renders French security precarious because it indefinitely perpetuates utter and hopeless insecurity for Germany. If America and Great Britain guarantee the French frontier without first arranging for an analogous guarantee of Germany against France, they will merely encourage France to continue her present policy of slowly ruining Germany—assured that no matter what damage she does to Germany she is protected against German revenge.

Security in Europe is a political boon which all must share or none. France cannot expect to be secure in a society of nations which permits her to inflict such terrifying insecurity on the largest of her neighbors. It is not a guarantee which French policy should elicit from Great Britain and the United States. It is a warning that the only way she can provide security for herself in the future is to promise security to the German nation in return for the payment of a moderate bill for reparations. If this is not done, Germany will utterly collapse and her collapse will bring with it generations of acute insecurity and misery for Europe. The political question which is now being tested in Europe is whether a nation which, like Germany, is deprived of all power of defending herself can depend for her security upon the moderation and justice of her neighbors. Up to date the neighbors of Germany in Europe have answered this question in the negative. They have used the defencelessness of Germany as an opportunity of treating her in the way which, as they alleged with truth, Germany, if victorious, would have treated them. They have deprived the Ger-

man people of any opportunity of national self-determination or any inducement to lead individually and collectively self-respecting lives. The Germans cannot apparently depend for their safety on the moderation of their foes or on the existence of an informed conviction of justice in the public opinion of this and other disinterested countries. Their only hope is to brace themselves for a great effort of passive moral resistance.

## Why A Progressive Party?

**I**t is easy to understand why so many leaders of the progressive bloc in Congress do not wish to discuss even the possibility of a third party. Their political status in their own communities usually depends upon the control of the emblem and the machinery of one of the two existing parties. With the exception of Mr. Shipstead of Minnesota, they were nominated in Republican or Democratic primaries and elected in part for the purpose of controlling the party machine rather than of providing a better substitute for it. At present La Follette is the major fraction of the Republican party of Wisconsin; Brookhart's victory enables him to dominate the Republican party of Iowa. Their standing as selected party leaders in their own states provides, as long as it lasts, an impregnable fortress which the assault of their fellow Republicans in other states may beat against in vain. Obviously they will hesitate long before joining any new political army whose operations might cut them off from a retreat, if necessary, to their own strongholds. They will require a lot of convincing before they substitute for the policy of holding their entrenchments in one or the other of the organizations of the major parties the policy of setting up a competitor for both of them.

They are justified in hesitating before undertaking such an arduous and risky enterprise. The major American parties are extraordinary political monsters—at one moment as formidable and as adaptable as one of the new amphibious tanks, at the next as ineffective, as inoffensive and as poorly energized as a huge jelly-fish. Owing to the federalism of the American polity, they are composed of local organizations which under ordinary circumstances are independent of the whole party and which can be captured and indefinitely held by an enemy or an independent faction. It frequently happens that the Republican organization in some particular state will differ radically in its whole political outlook from the other Republican organizations throughout the union. Yet it will have a perfect legal and moral right to call itself

Republican. Both the Republican and Democratic parties are coalitions of sectional and class groups which are held together by the highly practical purpose of fighting every four years for the privilege of choosing the President of the United States. They possess at different times and under different conditions the vitality of both low and high organisms. Because they are coalitions and federations, much of their vitality is concentrated in their parts. They can subdivide like a worm without destroying their continuity. Yet during their periods of positive and responsible activity, when they have either elected a candidate for the Presidency or are about to engage in a Presidential campaign, they frequently use drastic disciplinary measures and submit to almost militaristic centralized control. In both respects they embody an adjustment to conditions which is the result of generations of experience.

A lively recognition of these facts explains the extreme reluctance of the leaders of the new progressive group in Congress to demonstrate in the direction of a third party. Yet in the long run one of two alternatives will happen. They will either start a third party or they will fail to get possession of the government and enact their progressive program. In spite of every disposition on their part to continue the fight within the existing organizations, they will find themselves forced, just in so far as they are sincere and successful, to organize a new party. The carrying out of a reconstructive program demands the formation of a partisan organization which, instead of being held together like the existing parties by the gelatine of uneasy immobility, will seek its unity in conscious surrender to a progressive leaven.

Consider, for instance, what will happen if the progressives in the new Congress succeed in forming an effective political group. The group will, so it seems, be numerous enough to hold the balance in both houses between the representatives of the two major parties. It can with the help of the Democrats defeat the legislative proposals of the Republicans. It might also with the help of the Democrats pass some of its own legislative program through Congress; but this is doubtful. In all probability it could not effectively cooperate with the Southern Congressmen; and if by any chance it did, the President would veto its bills. In any event the result would be a deadlock. Government in the form of legislation would temporarily cease. All the contributors to the impasse would prepare to appeal to the voters. But as soon as the fight was shifted from Washington to the polling booths all over the country, the progressives of both parties which were acting together in Congress would

be divided and would be both weakened and diverted by the division. The Democratic progressives would conduct their fight in the Democratic primaries and the Republican in the Republican primaries. The really stirring and momentous part of the fight would take place in the Republican primaries. It is remotely conceivable but wholly improbable that the progressives would capture the Republican nomination, but in that case the Democrats would certainly nominate a conservative candidate and a large enough number of Republicans would vote for him to assure his election. In all probability, however, the possession of the Southern delegations would be sufficient to overcome any disadvantage under which Republican conservatives might find themselves in the North, and the nomination would go to Mr. Harding or the administration candidate. In that case the Democrats would probably nominate a progressive candidate who might very well be elected; but the progressive movement itself would be smothered as it was by Wilson from 1913 on. It would be subordinated to the interests of a Democratic party which would consist mostly of Southerners.

Even though the amount of positively progressive conviction in the United States increases rapidly during 1923, it will only be by a political miracle that the progressives, acting as a bloc rather than as a party, will emerge with any immediate profit from the Presidential campaign of 1924. The two parties will play with progressivism as they have done before; and they will do their best to kill it either by cruelty or by kindness. As long as the progressives carry on their fight within the Republican and Democratic folds, they will find themselves frustrated first by stubborn opposition and then, if that fails, by concessions which will look like the proverbial half a loaf but will turn out to be unleavened bran bread. Democracy and Republicanism are no longer capable of providing a favoring medium for the action of a progressive ferment. They are sterile at their source. The local partisan groups all over the country have ceased to brew progressive acids. They are organized and directed for the purpose of resisting all reforms which threaten a redistribution of social power. Rather than concede any really radical economic or political changes, the leaders of both parties would themselves combine to form a new party which, even though they camouflaged its purpose under a pretense of liberalism, would exist to bring about the indefinite perpetuation of the prevailing economic favoritism and social disorder.

No matter how difficult and hazardous it may be

to start a progressive party which is neither Democratic nor Republican, the ability to do so will prove to be an infallible test of the vitality of any progressive agitation. When the time comes to risk their careers in the attempt to get it started they should be willing to take the risk. Progressivism has no meaning and no future, unless it becomes a permanently aggressive, challenging and leavening influence in American society and politics. It dies as soon as it ceases to move onwards. The existing parties are organized not to move onwards until they are shoved, and the one effective way to shove them is to challenge the power of both of them by setting up a competitor to both. As long as the agitation is cramped by the necessity of being either Democratic or Republican, the leaders of the party which is suffering most severely from the progressive pressure can always use the other party to prevent the victory of the progressive faction in their own party from accomplishing anything of importance.

All the important constructive movements in American politics have used new parties as their indispensable instruments. It took the Federalists to frame the Constitution and organize the new government. It took the Jacksonian Democrats, representing pioneer agrarian expansion, to create a popular partisan organization which was representative enough to prevent the somewhat unmanageable Constitution and the new government from escaping popular control. It took the Republicans to root out the poisonously undemocratic institutions of slavery and to form a new partisan governing group which combined Western agrarianism with Eastern industrialism. But under their dominion the industrial magnates have succeeded, partly as the result of excessive protection and partly through an increasing control over prices and production, in profiting from the partnership to a much greater extent than the farmers. At the same time the standard of living of the wage-earning industrial class which improved during the nineteenth century is either stationary or retrograding. There appears to be, consequently, the same need for a farmer-labor combination to work towards the diminution of the preponderating position which the representatives of commerce, credit and industry have obtained in American social economy as there was in 1860 for an alliance in opposition to the mercenary power of slave-holding aristocracy between the new industrial class of the North and the pioneer agrarian democracy of the West. A farmer-labor coalition would unify the economic groups which are now suffering most severely from discrimination and have most reason to favor radical reforms.

It may take a long time to bring about an effective farmer-labor coalition, but come it eventually will; and, if it is to come, the sooner it assumes the form and can dispose of the machinery of a national political party the better for the American people. For only by its organization into a national party will it succeed in its double task of redistributing social and economic power in favor of agricultural and industrial labor and of adjusting that result to the just claims of the other classes. In order to accomplish its purposes the farmer-labor coalition will have gradually to broaden and nationalize its program and adjust its organization to the job of carrying on a radically progressive agitation. It cannot succeed unless it works a progressive outlook into the American national consciousness just as the spokesmen of liberty, constitutionalism and democracy have already worked an allegiance to these principles into the American consciousness. If farmer-labor progressivism proves impotent to organize a new party, it will prove impotent to bring about radical but needed changes in American social economy by means of political agitation.

## Pennsylvania's "Cave In" Law

ON Monday, December 11th, the Supreme Court of the United States passed upon the validity of the Pennsylvania "cave in" law, a law to prevent coal mining under houses, public buildings, streets, railways, etc. in such a way as to cause subsidence of the surface soil. To say that the opinion of the Court declaring the law unconstitutional was written by Mr. Justice Holmes and that the dissenting opinion was written by Mr. Justice Brandeis, is to indicate the candor, ability and restraint with which the opposing views were stated. But the case is important not only for this intellectual battle of giants and not only for its intrinsic effect upon our public law and the police power of the states, but because in this time of the appointment of new judges to the Court it is an outstanding illustration of the way in which fundamental constitutional decisions depend at bottom not upon ascertainable rules of law but upon personal judgment, as Justice Holmes has said, upon "judgment or intuition more subtle than any articulate major premise." For Justice Holmes and Justice Brandeis both premise their arguments upon unquestionable principles of law, and both argue them through without logical flaw. The decision depends on the act of judgment in choosing between the premises.

The "cave in" law was passed to meet the public danger which is most notoriously present in the city of Scranton where streets and buildings are settling and—sometimes—falling, because of the size and the proximity to the surface of the excavations underneath. The law prohibits mining in such a way as to cause subsidence of the surface soil except where the owner of the coal is also the owner of the surface soil.

The facts involved in *Pennsylvania Coal Company vs. Mahon* concerned mining under a private house. But the Court as stated in Justice Holmes's opinion considered it its duty to deal with the whole act—including those portions forbidding mining so as to cause subsidence under public buildings and streets—inasmuch as both the State of Pennsylvania and the City of Scranton had been represented in the argument.

Justice Holmes recognized and stated fairly the opposing principles of law involved in the case. The guarantee in the Fourteenth Amendment that property shall not be taken by the state governments without due process of law is a protection against confiscation. If private property is taken for a public purpose just compensation must be paid for it. On the other hand, the Fourteenth Amendment does not prevent a state limiting the uses to which property may be put or the manner of its use if that is necessary in the public interest. Justice Holmes weighs these considerations. He says frankly that where limitation of use merges into a substantial taking of property is a question of degree and that a mere declaration of general principles will not dispose of the difficulties of the case.

It appears to have been assumed in both opinions—perhaps because it was proved at the argument—that under the present state of the industrial art the "cave in" law would prevent the mining of coal in commercially profitable quantities under the areas mentioned. This, in the opinion of the Court amounted to an appropriation of the coal owners' property rights, and it was the Court's view that if the public wanted these rights it ought frankly to condemn them and pay for their values. As Justice Holmes put it:

The rights of the public in a street purchased or laid out by eminent domain are those that it has paid for. If in any case its representatives have been so short sighted as to acquire only surface rights without the right of support we see no more authority for supplying the latter without just compensation than there was for taking the right of way in the first place and refusing to pay for it because the public wanted it very much.

With a tolerant scepticism Justice Holmes saw in the "cave in" law an eminently human attempt

to use the police power to accomplish the purposes of condemnation and thereby get something for nothing.

When this seemingly absolute protection [of private property against taking without payment] is found to be qualified by the police power, the natural tendency of human nature is to extend the qualification more and more until at last private property disappears. . . . In general it is not plain that a man's misfortunes or necessities will justify his shifting the damages to his neighbor's shoulders.

So the Court concludes that since "private persons or communities have seen fit to take the risk of acquiring only surface rights, we cannot see that the fact that their risk has become a danger warrants the giving to them greater rights than they bought." It did not hold that the state was powerless to prevent mining under cities, but that if it undertook to do so it must pay the coal owners for their loss.

In his dissenting opinion, Mr. Justice Brandeis proceeds from the point of view of the power of the community to protect itself, the police power. He points out that the rights of an owner to use property as he pleases are not absolute; that nothing is better settled in the law than that an owner shall not use his property so as to commit a public nuisance; that this abridgment of his right is in substance a taking of part of the value of his property for which the law has never required payment; and that the rights of the community are not less in cases where it has purchased property than where it has not.

But Justice Brandeis's most telling argument, on the law, is when he comes down to the specific application of the principles which the majority of the Court would not deny. He reminds the Court that it has sustained state laws which were so drawn as absolutely to forbid in the circumstances before the Court the use of oil tanks, brickyards, livery stables, billiard halls, an oleomargarine factory, and, best known of all, liquor, because their use under the circumstances was deemed detrimental to the public interest. And yet in none of these cases did the governments compensate the owner—unless the compensation be, he says quietly in his last sentence, "the advantage of living and doing business in a civilized community."

Certainly it would seem that the invasion of the rights of the coal owners in their coal was no greater than the invasion of the rights of the owners of liquor by the Volstead Act. Here only a manner of use was forbidden which might be avoided by an improvement in the industrial art, but in the Volstead Act every element of legitimate commercial value was destroyed.

But the Court has always the power to do as it

frankly did here and in the Child Labor Case—call a halt in the trend of the law's development based solely upon its own conceptions of public policy. It is a supreme act of statesmanship, which under the Constitution has become the function of the Court, and it is far more important for the American people to recognize this and insist that the men who are to exercise this power truly represent the American democracy than it is to criticize any particular exercise of the power.

In the present case Justice Brandeis's view seems the superior statesmanship. It is frankly a qualification of a property right, but as this spinning globe comes to have living upon it more and more human beings, it is inevitable that the freedom of action of these individuals must become more and more limited. For property rights of the kind here in question are, as Justice Holmes has himself well said, merely rights to course of conduct. Of course, in this process it is essential that the burden of transition be not so thrown upon the individual as to discourage his productive effort—as, for instance, it was for a time thrown upon the food producer of Russia. But it is equally important that the cost of transition be not too heavy for society in its organized capacity.

In the present case it would seem that the social risk involved in suspending mining operations under cities until the development of science permitted it to be safely done would be less than in burdening the government with the cost of buying outright all rights in the subsoil. Taxes as well as the limitation of conduct discourage individual initiative. In many previous cases similar to this the Supreme Court found the balance in favor of not burdening the government. We agree with Justice Brandeis that there is nothing in this case to alter the balance.

## *The New* REPUBLIC

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# The South and a Third Party

**T**HERE has been no real Third Party movement in the United States for fifty years. The main reason for this is the political position of the South. This condition ought frankly to be discussed, in no partisan spirit and without reference to anyone's attitude toward or belief concerning the Negro race. The election of 1920 coincident with a decennial census gives us an unusual opportunity.

Before the Civil War, the Southern part of the United States had a white population whose political power was, man for man, larger than the political power of the North. The reason for this was that the white South in 1860, for instance, not only cast votes for a population of 5,931,483 whites, but also voted three-fifths "of all other persons" that is, of 3,953,760 slaves, amounting politically to 2,372,256 persons. This, however, did not upset democracy in the United States as much as it might have, because the white votes of the South, even with their added power, were distributed on the whole fairly evenly among the dominant parties; so that the Whig appealed to voters North and South with almost as fair a chance of success as the Democrat. But this situation made a Third Party possible only at the cost of the Civil War!

The result of the Civil War, a result which most people have overlooked, was to increase the political power of the white South. This has been partly neutralized in the North by the political power built upon the basis of the unnaturalized foreign born; but on the whole the net result of these facts has been to increase the political power of the South very largely and of the East considerably as against the political power of the Centre and West. This can be proved by the following facts:

If we compare the possible voters (native born persons 21 years of age plus naturalized foreigners) with the votes cast in the presidential election of 1920 we have these percentages:

| PERCENT OF POSSIBLE VOTERS DISFRANCHISED |     |                |     |
|------------------------------------------|-----|----------------|-----|
| South Carolina                           | 92% | Pennsylvania   | 58% |
| Mississippi                              | 91  | North Carolina | 56  |
| Georgia                                  | 89  | Vermont        | 55  |
| Louisiana                                | 86  | Maine          | 53  |
| Texas                                    | 82  | Arizona        | 53  |
| Virginia                                 | 81  | California     | 52  |
| Arkansas                                 | 79  | Oklahoma       | 52  |
| Alabama                                  | 79  | Maryland       | 48  |
| Florida                                  | 72  | Washington     | 48  |
| Tennessee                                | 65  | Wisconsin      | 48  |

|               |     |               |     |
|---------------|-----|---------------|-----|
| Oregon        | 48% | Idaho         | 39% |
| Massachusetts | 46  | Montana       | 39  |
| Wyoming       | 46  | New Mexico    | 38  |
| Michigan      | 45  | Nevada        | 38  |
| Nebraska      | 45  | Ohio          | 38  |
| South Dakota  | 44  | Iowa          | 35  |
| New York      | 44  | New Hampshire | 33  |
| Colorado      | 44  | Missouri      | 33  |
| Kansas        | 43  | Utah          | 30  |
| Connecticut   | 43  | North Dakota  | 30  |
| Rhode Island  | 42  | Kentucky      | 28  |
| Minnesota     | 41  | West Virginia | 27  |
| New Jersey    | 41  | Indiana       | 26  |
| Illinois      | 39  | Delaware      | 25  |

It may fairly be said with regard to these figures: First, in the South the vote at the Democratic "white" primary is often larger than the vote at the regular election. However, the discrepancy is not as great as one might suppose. For instance, in the democratic primary election held in the state of Georgia, September 8, 1920, there were 230,761 votes cast for United States senator, in an unusually bitter contest with Tom Watson running against Hoke Smith and Hugh Dorsey. This record vote is 55 percent larger than the vote cast in the regular presidential election; but even in the primary election, nearly 84 percent of the possible voters were disfranchised. And this 84 percent includes not only 100 percent of the possible Negro voters but nearly 72 percent of the possible white voters. And too, whatever the discrepancy may be, the primary vote is under party control which allows disfranchisement not only for race but for any other reason. Under no circumstances can such a vote be recognized as democratic. Second, undoubtedly women in 1920 voted in smaller numbers in the South than in other sections. In some Southern states, women, black and white, were almost entirely disfranchised. Third, large numbers of Negroes in the South and many persons elsewhere, are disfranchised by educational and property tests applied fairly and unfairly. Finally, a large part of this disfranchisement is voluntary—the result of voters not being sufficiently interested to go to the polls, or being kept away by weather conditions. However, it may be said that in an exciting presidential year like 1920, the percent of voluntary disfranchisement though large, was at a minimum. To this we must add that comparatively small number disfranchised for crime, disability, etc.

When all is said the result is still astounding. First of all it is clear that disfranchisement in the South is not merely disfranchisement of black

folk. There are 390,039 white folk twenty-one years of age and over in South Carolina. Yet South Carolina cast but 66,140 votes in 1920 and some of these were Negro. In that state voluntarily and involuntarily over 300,000 white voters were disfranchised. Moreover of the 376,930 Negroes twenty-one years of age and more, not all were debarred by ignorance. Only 205,819 of these were reported illiterate in 1920, leaving 171,111 who can read and write. Allowing for inaccurate census reports there must be 100,000 Negroes in South Carolina, quite intelligent enough to vote, who were disfranchised by compulsion, along with the 300,000 whites. Moreover 54,339 by census report and in all probability 75,000 of the 300,000 whites could not read and write.

If we take ten Southern states (Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas and Virginia) we find a voting population of 11,088,224. Of these 3,508,061 are Negroes, leaving 7,580,163 white voters. The total votes cast in 1920 were 2,175,007. Allow for non-voting women, and primary voters who were not interested further, and also for Negroes who did vote, and we must conclude that from three to four million voters of the South are disfranchised; or in other words, every time a black man is denied a vote in the South a white man is also voluntarily or involuntarily disfranchised.

We may also sense difficulties in the Eastern states although not so clearly because of lack of data. For instance in California, Iowa, Ohio and Kansas the possible voting population is between 55 and 60 percent of the total population, while in Connecticut, Rhode Island, Massachusetts, New York and Pennsylvania half or less of the population are voters showing probably the political power accruing to the East over the West by the presence of foreign born who are not encouraged to become naturalized citizens.

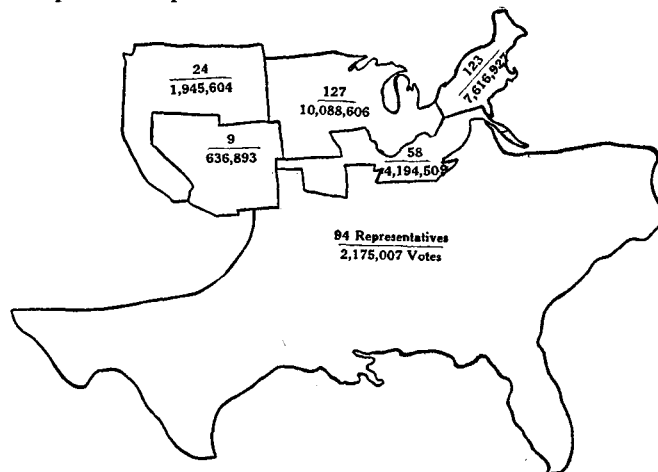
If we group the states we get even more striking results. The South (Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas and Virginia) cast 2,175,007 votes in the presidential election of 1920, electing 94 representatives to Congress or 23,138 voters per representative. New England and the Middle Atlantic states cast 7,616,927 votes for 123 representatives or 61,927 per representative. The Southwest (Arizona, Colorado, Nevada, New Mexico and Utah) cast 636,893 votes for 9 representatives or 70,766 per representative. The Border states (Delaware, Kentucky, Maryland, Missouri, Oklahoma, Tennessee and West Virginia) cast 4,194,509 votes for 58

representatives or 92,319 per representative; while the great Middle West (Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin) cast 10,088,606 votes for 127 representatives or 79,439 per representative. Finally the Northwest (California, Idaho, Montana, Oregon, Washington and Wyoming) cast 1,945,604 votes for 24 representatives or 81,067 per representative. If we take the votes cast per representative in Congress in the Presidential election of 1920 we have these results by states:

#### VOTES CAST PER REPRESENTATIVE IN CONGRESS

|                |        |               |         |
|----------------|--------|---------------|---------|
| South Carolina | 9,449  | Idaho         | 67,471  |
| Mississippi    | 10,312 | North Dakota  | 68,592  |
| Georgia        | 12,394 | Maryland      | 71,211  |
| Louisiana      | 15,737 | Kansas        | 71,278  |
| Texas          | 22,973 | Connecticut   | 72,802  |
| Virginia       | 23,100 | Utah          | 72,914  |
| Alabama        | 24,107 | Colorado      | 73,013  |
| Arkansas       | 25,801 | Minnesota     | 73,584  |
| Nevada         | 27,194 | New Jersey    | 75,333  |
| Florida        | 36,706 | Illinois      | 77,425  |
| Tennessee      | 42,863 | Washington    | 78,719  |
| Vermont        | 44,965 | New Hampshire | 79,372  |
| Maine          | 49,383 | Oregon        | 79,505  |
| Pennsylvania   | 51,380 | Michigan      | 80,406  |
| North Carolina | 53,874 | Iowa          | 81,281  |
| Rhode Island   | 55,795 | Missouri      | 83,165  |
| Wyoming        | 56,199 | Kentucky      | 83,519  |
| South Dakota   | 60,373 | West Virginia | 84,990  |
| Oklahoma       | 60,572 | California    | 85,759  |
| Massachusetts  | 61,882 | Montana       | 89,502  |
| Wisconsin      | 63,753 | Ohio          | 91,795  |
| Nebraska       | 63,776 | Delaware      | 94,756  |
| Arizona        | 66,687 | Indiana       | 97,108  |
| New York       | 67,338 | New Mexico    | 105,131 |

This shows not only the political advantage which the East has over the Middle West, Northwest and the Southwest, but also the tremendous and unbelievable power of the South. If we arrange this as a map, we shall find the United States looking somewhat like this, distorted according to the political power of the various divisions:



MAP OF THE UNITED STATES DISTORTED SO AS TO SHOW THE RELATIVE POLITICAL POWER OF THE SIX SECTIONS

I care not whether an American lives North, East, West or South, whether he loves or hates Negroes, whether he believes in the Fifteenth or even the Thirteenth Amendment or not, he must agree that this condition and free republican government in the United States cannot co-exist.

How did it come to be tolerated at first? It must be remembered now that the acquiescence of the North in the policy of wholesale disfranchisement in the South which began in Mississippi thirty-two years ago, was based on the following argument: The white voter of the South is faced by an overwhelming amount of black ignorance, which, because of prejudice, votes solidly against the white man—against Property, against Civilization. If now, the Negro is removed from politics, this will leave the white voter free: first, to divide on national issues according to his intelligence and conscience; second, to take up the problems of social development and uplift in his own locality in accordance to the best interest of all, white and black. It was a plausible argument and it gained and still holds the majority of thinking people and it will hold them until they ask, "How far has the result justified the means?"

There has been in the South practically no division of the white vote, except as a matter of political patronage. Third parties like the Populists, the Socialists and the Progressives have made futile appeal now and then, but they have gained no real standing. The Southern states not only have failed to consider great national issues on their merits, but have lamentably failed in their local legislation. There remains in them a state of lawlessness which shames the nation; this is the only part of the civilized world, where men are still publicly burned at the stake, and where mob law is so prevalent that state after state has acknowledged itself practically helpless. Murder in the South outruns the record of all civilization; education, while making noticeable and commendable progress, still lags so far behind the nation, that the South is still the seat of greatest ignorance even among white Americans; and in the face of this the Southern Congressmen almost to a man oppose any federal aid either to stop lynching or scotch the Ku Klux Klan.

We have not only put a premium on disfranchisement, we actually penalize democracy. Today in the Senate Mr. Williams of Mississippi is a notable leader. He equals in voting power and far out-talks Senator Capper of Kansas. Mississippi cast 82,492 votes in the election of 1920 and received 2 votes in the Senate and 8 votes in the House; while Kansas with 570,220 votes received exactly

the same representation. Underwood and Heflin of Alabama represent a state whose 241,070 votes equal in power the 735,838 votes of Minnesota.

Moreover the subject is sacred. The South is today the seat of political privilege to a degree that would stagger an Englishman, but we must not discuss it. It is bad form. Our wildest and most earnest radicals may propose reform on every subject but this. On this they must become reactionary on pain of public disfavor. But worse than all this, when the United States seeks, by a third party movement, to rearrange its political power in such a way that it can bring to bear political pressure and carry out political ideas, what does it find?

It finds that in the South the policy of disfranchisement has made democratic popular government impossible, even among the whites. It has put into the hands of the Southern whites such astonishing political power that a premium is given secret political manipulation which holds, not simply the Negro, but a large number of whites themselves who are also thus disfranchised, and it allows the remaining rump electorate to threaten political life throughout the country.

No one wishes to "punish" the South. No one wishes to "wave the bloody shirt." No one desires to minimize for a moment the gravity of the problems of race, or ignorance and crime which the South faces. If the only way to cure the social ills of the South was to nullify temporarily popular government in the land, many might contemplate even this enormous sacrifice. But to sacrifice all and get nothing and nowhere is idiotic. It is not the twelve million Negroes who suffer most in this impasse. It is the nation with its hundred million whites. It is particularly the white South. Here not only is political disfranchisement a fact but intellectual disfranchisement follows because of the sinister propaganda which supports politics. The mob mind, the herd instinct is triumphant. Again and again we see the individual tragedy: a young white man, Southern by birth, tradition and belief, sees one matter he would reform, one point of disagreement. He is tolerated a while and then the herd turns and tramples him in fury. It is worse than lynching. The South lynches the bodies of black men, but the souls of white. Behold a nation, which, at the command of rotten borough politicians, is not allowed in its highest legislature even to discuss the subject of lynching!

Because of this sectional distortion of democracy the whole process of righting political wrong in the United States by influencing public opinion and

appealing to it, is repeatedly a tremendous failure, and the only thing we are at present able to do, is to give overwhelming and sweeping majorities, now on this side and now on that, tearing down in our impotent rage both the good and the bad, in order in some blind way to rebuke the bad. No sooner are Progressives or Farmer-Labor voters able to split the reactionary Republican party than they find themselves able to do nothing but to put the Democratic party, just as reactionary, into power; and the result is that in sheer desperation they then have to turn and throw the Democrats out by giving up the third party movement and acting with the Republicans. This has been our political program for fifty years and it is going to be our political program for fifty years longer unless we openly and frankly face the problem. It is the wide-flung custom to sneer at democracy in the United States. But before we condemn it, let's try it.

There is, of course, a bare possibility that sometime a tidal wave will utterly upset the Republicans and substitute the third party as chief opposition party, repeating the revolution of 1860. But this third party will find itself between the devil and the deep sea: if it keeps itself progressive and ever so slightly radical it will have to fight not only the conservatism of many former Republicans but also the entrenched oligarchy of the Southern Democrats. If on the other hand, in order to avoid this contingency, it makes overtures to the conservatives, it has two paths open to it: To gain the Northern conservatives, it must give up its progressive thought; to gain the Southern oligarchy, it must agree to sustain the present political power of the South. This is precisely the rock upon which the "Bull Moose" split.

The Farmer-Labor party and the new Congressional "Bloc" are facing the same thing. Imagine the progressive Western Farmers' group joining hands with Pat Harrison of Mississippi! Pat Harrison represents a constituency where 10,000 people wield as much power as 90,000 people in Ohio. And Mr. Harrison will work with a progressive party only on condition that this balance of political power be not touched.

The call for progressive elements to meet in Washington had among its prominent signers, Huddleston of Alabama, where 24,000 people have as much voice in government as 75,000 people in New Jersey.

Here then is a problem—a sheer and fundamental problem of democracy; and either the United States must quit its hypocrisy of attempting to ignore these facts or fail in its attempt at self-government.

W. E. BURGHARDT DU BOIS.

## Inside the Wall

SINCE Marco Polo brought the gifts of Kublai Khan to Venice many years ago, foreigners have been explaining China to each other. In all the world no other land has had so much interpretation. China's remoteness and complexity, its reluctance to swing promptly into line, all tempt the alien visitor to try his hand. No doubt the temptation is keenest in its first stages. If you are a foreigner, say the Chinese, and do not write a book your first two weeks in China, you may not write a book at all.

You start, perhaps, with Canton. Your first bit of China is the floating city on the river. Your first five minutes produce two bright-eyed little men squatting on a shaky deck, playing dominoes; an old lady drinking floods of tea from the curved spout of her kettle; a young girl kneeling on her heels beneath a rattan awning, combing her hair before a two-inch pocket mirror; a busy mother fastening a block of wood to her baby's back, so that she can haul it back to safety when she hears the splash. . . . You see these people, and assure yourself that they are normally complex human beings, that all of them have hopes and fears and secrets, different each one of them in some manner from another; that there are a hundred thousand of them on the river, and four thousand times that many on its shores.

Yet it is easy, despite the best resolutions, to come away from China and talk about these people as if each one of them were identically like all the others. "The Chinese," millions of them lumped together, are avaricious, or they are generous to a fault; they are great cowards, great heroes, or just too proud to fight; they want a Manchu emperor on the throne again, or they would fight to the last ditch for their republic. . . . So two equally earnest foreigners will testify, at the end of the same number of weeks' or months' or decades' observation. Men who would scorn to generalize about steamships or typhoons will generalize like troopers when they talk about four hundred million Chinese people.

### II.

An incision into any alien brain at the end of its first week in China would certainly disclose a small hard lump resulting from the effort to remember Chinese names. The task is not so difficult when two names have enough in common to make their difference obvious: it is clearly the last syllable, for instance, that distinguishes Wu Ting Fang from Wu Ting Ching. The trouble comes when the family resemblance is more delicately

shaded, when one name has appropriated for its own first or last syllable the last or first syllable of some other name: Chang Shu Yuan and Yuan Shi Ki, or Chang Tso Lin and Lin Chang Ming.

Chinese names are troublesome. And news from China would be easier reading, in the West, if Chang were Jones and Ming were Smith. Putting names into convenient English would make the cables less mysterious. To be sure, that innovation would scarcely unravel the intricacies of Chinese politics for us, and perhaps not measurably increase our interest in them. For we are none too interested in politics at home. Still, though we understood no better, we might feel less resentment. And China would be the gainer if that happened. What one nation finds baffling in another it frequently associates with what it does not like. Some day a monument may rise in Peking, to that inventive spirit who finds the right equivalent for Chang and Lin and Ming.

### III.

Chinese politics are none too prosperous. And one reason is certainly because the country is so poorly hooked together: immense distances everywhere, with nothing modern spanning them. Here, for instance, are China's two chief ports, Hong Kong and Shanghai. No railway links them, and no highway on which travel is anything less than an adventure. The only open road is a wide curve at sea.

Railways will be developed slowly. Meantime a speculative foreigner may wonder how much the radio would help. Railways are intricate and expensive, but the radio costs next to nothing, needs no engineering, is no more intricate than a folding opera hat. To be sure, remote parts of China speak different dialects; but subject only to that disadvantage, why not a thousand sending stations scattered through the country, a hundred thousand receiving sets, villages instantaneously in touch with one another, the ether humming with messages back and forth, messages explaining away misunderstandings that cause friction, messages convincing the North of its common interest with the South, messages persuading China to a new national unity?

That is one way the radio might be used, but surely never would be. Whoever has spent a radio evening in America, ear-phones clamped upon his head, can conceive its counterpart in China. . . . "Station W.L.B., at Tientsin, broadcasting. . . . Miss Mon Ling Wang will now sing *Silver Threads Among the Gold*. . . . Stand by for two minutes, please. . . . Our next number, ladies and gentlemen, will be a monologue by Mr. Harry Wu

Soo Koo: *How I Killed my Mother-in-Law. . . .*"

Inventions that approach the sublime seem destined to contribute incidentally to the ridiculous. Yet he is a poor nationalist who scorns the stale joke and sentimental ditty. In the long run national unity is less a matter of noble declamations than a common appreciation of what is funny and what noble. Station W.L.B., at Tientsin, may yet come to China's rescue, broadcasting *Silver Threads Among the Gold*.

### IV.

Soochow is as good a place as any, to wonder whether China wasn't sovietized a thousand years ago. It is a little city on the Yangtze River, fifty miles from Shanghai, cut up with canals like Venice—its St. Mark's an open square before a Buddhist temple, with chow dogs instead of pigeons, shops selling crockery cats and whistles, young girls with bangs and ear-rings buying cotton blouses, crowds of boys around the phonographs playing faint gay records in the peep-shows.

Soochow has no city council, no city manager, no budget experts and no budget. It gets along without most of the appurtenances of public effort common to the West. Government neither begins nor ends in City Halls and Voices of the People. No one thinks instinctively of mayors and police chiefs if a bolt of silk is stolen, or a street needs paving, or two men come to blows about a singing girl. Government is rather the affair of heads of families, heads of clans, heads of guilds and temples. It is impersonal and impromptu. And in some ways, perhaps because it is so old that it is coming into vogue again, it looks ultra-modern. For it is "decentralized." It is partially constructed on economic lines. And it is what the modern scientists of politics call "pluralistic": the state itself is not supreme; even in the most modest state affairs it shares authority with the church, the family and the trade association. Soochow is run by little half-official soviets. And so, apparently, are most Chinese cities. If China were suddenly to adopt the system it already has, what has been archaic for ten centuries might seem a great experiment.

### V.

Shanghai has all of New York's machinery for enjoying Sunday afternoons. Westerners have built race-tracks, baseball parks and movies for their own amusement; but there are always Chinese in the bleachers or the gallery, having a good time.

There are Chinese who enjoy our Sunday afternoons, but no Chinese who have become experts at them. It is different, in Japan. Japan has sent

Kumagai to the tennis courts at Forest Hills, and placed him with our own best ten. Japan has at least one moving picture hero who can fill a theatre in Kansas. Another year or two, and one of Japan's promising young shortstops may lead the National League in stolen bases. Japan sends ambassadors to the great land of Sunday afternoon; but not China, yet.

It is still the solemn men with titles who write diplomatic notes; but in a world of telegraphic news and editors who yearn to fill their papers with something interesting enough to read, it is the athletes and the moving picture stars who boast the largest international audience. They are unofficial but important. It happens, for instance, that at a critical point in a world's championship tennis match, a Japanese player deliberately throws away a point, to even up for the advantage a referee's mistake has given him; ten diplomats could not do so much to convince Americans of Japanese good-sportsmanship. A French boxer challenges an American heavyweight twice his size; and how that boxer trains and fights is more determinative of "France," for the American newspaper public, than the declamations of his Premier.

China lags behind, in the modern school of diplomats. Foreign Offices and Embassies will keep on functioning; but some day it may be an international conference of Carpentiers and Kumagais and Charlie Chaplins that writes a stable peace.

#### VI.

Chinese words are printed whole, in chunks, because there is no alphabet to write them with. Each word is an ideograph, complete within itself. It is not strange that few Chinese ever learn to read and write more than the commonest of words. There are fifty thousand symbols; and after a first few easy ones they grow desperately intricate, in an effort to make each one of them a little different from all the other thousands.

Few Chinese learn to read and write—and China pays the penalty for that, in ignorance and waste effort. Yet the wages of sin are not all death. Illiteracy has its advantages. If fewer books are published, at least there is less trash. If China has no national press, at least it has no Sunday Magazine Sections and no Woman's Page. If culture is beyond the grasp of most Chinese, that may be one reason why those who have it are revered. Give the Chinese an alphabet they can manipulate, and the yellow journalist might easily take the student's place; fifty Chinese magazines might spring up overnight, with the timidly salacious their chief stock in trade; and Chinese moving

picture epics, when they come, might go in for all the pyrotechnics to which the enlarged vocabularies of their patrons would encourage them: no more simple titles like "Sunset in Shanghai"; instead, "Sinks the blood-red orb on Shanghai's bayous, out from the West where men are men."

A modern alphabet will do a lot for China. But at what a cost. . . .

#### VII.

Head bent close above an oil light's shadows dancing on his table-top, a Chinese workman hammers out a round brass bowl or pegs a pair of yellow slippers. It is slow work; a machine could dump these things by dozens into empty crates. Yet there is something left here which machines would gobble up. And that is the workman's chance of shifting to some fresh process now and then, of being his own chief, of making something whole instead of making just one cog. The old style Chinese workman does not spend his day with one hand or foot steadily laboring the same pedal of the same machine; he does not make, over and over, scores of times each day, the same small part of the same old stove or carpet-sweeper. Instead, with a lump of brass or a strip of leather, he follows his product through from raw material to the finished article. He is his own foreman, and, if he likes, his own designer. He may weave two circles in his rug instead of one, put three handles on his bowl instead of two. If he were working in St. Louis and put three handles on a bath-tub, inevitably he'd cease to be an economic factor.

Our Western way is more productive. And more humane, in that respect. There is hardship in China because the most ordinary sort of comforts cannot be produced abundantly. Yet the older method has its own strong points. One day, perhaps, machines themselves will be so triumphantly developed that the sheer efficiency of the instrument will free us from the worst of the routine. Meantime, for all its sloth, there is in China's antique method more of an escape from monotony, and perhaps a certain wider chance for interest. A statesman would say there is less industrial unrest.

#### VIII.

From a newsstand in the foreign quarter of Peking, the back cover of an American magazine asks each passerby a question. "What is Wrong with this Picture?" A Chinese coolie, standing in the shafts of his empty rickshaw and wiping a wet cheek with one end of a towel hanging from his shoulder, is obviously intent on finding out.

What holds his attention, I discover, is an advertisement of a certain Book of Etiquette. Its publishers proclaim it a bargain at one dollar

weekly for five weeks. Their picture shows a mixed company of four in evening dress. One member of the group is ill at ease; and a caption underneath explains the reason why. "Everyone knows," it says, "that table manners are an index to breeding. The man in this picture has taken olives with a fork, and has just realized his error, as the others have taken them with their fingers. Too bad he didn't refer to his Book of Etiquette. It tells all about table manners—how to eat corn on the cob, lettuce, asparagus, frozen pudding."

Too late. . . . Is there comfort for the culprit in the fact that others on this page of advertising share his guilt? There is a subdued young man who stands beside a pillar, as two couples waltz past him on the ballroom floor. "The gentleman at the right does not know how to dance. Instead of doing what he should do, under the circumstances, he is making himself conspicuous by standing alone while the others dance. The Book of Etiquette would have told him how to avoid this embarrassment."

Perhaps the gentleman's coat-room is the right place for him. The advertisement does not say. It hurries on to other souls in torment: the pale young man, too depressed to start afresh, who has "attended the informal dinner in conventional full dress"; another young man who has been introduced to his employer's daughter and extended his hand first, "instead of waiting for her to offer her hand and make the acknowledgement"; still another young man who has got his lady into a restaurant in wrong order, and who "realizes his mistake only when he notices the entrance of another couple."

The coolie at my elbow has abandoned hope. I climb into his empty rickshaw, and start for Kung-tzu-miao. It is the Temple of Confucius—a good place to meditate upon that curious Oriental psychology, so curious to Westerners, which insists upon a code of proper conduct for the most casual of social customs.

## IX.

Tonight it happened that the earth threw its shadow on the moon, and the streets of Peking have been full of people beating gongs to scare away the Heavenly Dog. Processions have marched noisily from one temple to another. When the moon began to flicker, bonfires were lit on street corners to encourage it to keep shining. In the end, the gongs celebrated victory.

This rushing to the moon's defence is an old custom. It might be called religious. But it could scarcely be said that there is anything sectarian about it, or anything that smacks of an earlier

religious fanaticism. And perhaps in that respect it is rather typical of China. For certainly, judged by ordinary standards, China is a tolerant and easy-going nation. Too tolerant, perhaps—and tolerant, especially, where other nations have shown tolerance least—in all that belongs to creeds and churches. At least within the span of two thousand years of written history there is nothing in China's record comparable with the Inquisition, no great wars begun and ended on religious issues, no far-flung battlefield like the early Moslem Caliphs', to preach conversion of a foreign nation with the sword. In fact, it has sometimes happened that when other nations were beheading prophets of a new religion, China, curious to discover what made their message new, was planning fêtes for them.

One nation's reasons for being more tolerant than another are probably the upshot of a hundred different forces. Certainly in China's case Confucius played a part; his logic was as cold as ice, in some ways it was inevitably congealing, but it did not inflame men's passions; for it taught religion less as a great revelation than as an urban social code. Isolation was another factor. And perhaps above all else was the fact that for centuries China has been rich enough in its own culture, continuous enough in its own existence, not to go crusading elsewhere. Chinese art and literature had reached a stage of excellence when northern Europe was experimenting with the hatchet and all America lay beyond the pale.

We speak of China as a nation. Actually it is something wider and less brittle. It is a whole civilization. That is one explanation of its tolerance—one reason why there are diplomats in Western capitals who pity it—and one reason why, outliving its contemporaries, it plods along so evenly from one century to another.

CHARLES MERZ.

## To a Silent Man

Words are like mirrors where a swift fire glows,  
Quick with soft colors, but as stripped of heat  
As though it had changed to flowers, as though it beat  
On sea-cool floors in citron waves and rose:  
Pure, perfect flame that flies and falls and flows  
In silent rhythms as of streaming feet  
Treading the broken nets of incomplete  
Patterns which running radiance overthrows.

Yet all this fiery gesturing is cold  
As the pale glass that is its unmoved bed.  
Fire cannot give the mirror warmth to hold.  
Only the glamor lives, the heat is shed.  
Here are no words, then. Take no light that chills,  
But the dumb heat of locked volcanic hills.

BABETTE DEUTSCH.

# The Great Confusion

A REPLY TO MR. TERMAN.

**I**N last week's issue Professor Lewis M. Terman stated that it would be "profitless" to debate the validity of the intelligence tests with me. Nevertheless it seems that he felt impelled to pause in those labors, which he modestly compares with Darwin's, in order to write eight columns of print about the contemptible creature who had challenged his dogmas. I cannot imagine who Mr. Terman thinks is going to be fooled by this pretence.

Certainly I feel entitled to assume that Mr. Terman's reply contains the most damaging criticism of my articles which he is able to make. I assume that he has not spared me in his contempt. Therefore, I shall take no space to restate any of the conclusions which Mr. Terman has not challenged.

The first three columns of Professor Terman's reply come down to the charge that I criticized him because I think his arguments are subversive of the old naïve theory of democracy. All that I can say to that is that I have written a book of over four hundred pages devoted to arguing the fallacy of the naïve democratic theory. He must not think, therefore, that a criticism of the Terman dogmas constitutes a defence of this old theory. It often happens that an error is attacked in an erroneous and misleading way. Mr. Bryan's theory of creation, for example, is no doubt wrong, but it does not follow that everyone who answers Mr. Bryan is a sound biologist. In the same way it does not follow that Mr. Terman is a sound critic of democracy, because the democratic theory is open to criticism.

Nor does it necessarily follow, as Mr. Terman seems to imply, that because intelligence testing has spread all over the wide world, Mr. Terman's conclusions about these tests are valid. Popular success is not scientific evidence, and even the practical usefulness of the tests in schools is no evidence whatever that the theoretical assumptions are true or that the social generalizations are correct.

At last after three columns of ridicule Mr. Terman stoops to argument. He denies that the talk about the average mental age of the army being fourteen rests upon the Stanford standardization of mental age. He refers me to p. 536 ff of the army report where he has presented what he calls "independent" age norms derived from large groups of unselected school children. Mr. Terman has missed the point of the matter entirely. An

age norm is *internally standardized* according to the average performance of an age group. The army tests were given to the largest group ever collected. Therefore, the mental age of the army cannot be measured by norms, however "independent," which are derived from smaller and less representative groups. If the army tests were tests, you have to admit that they created their own norms. Otherwise you arrive at such logical absurdities as arguing that the average mental age of adults is less than the average mental age of adults.

The Stanford norms gave sixteen as adult. The army norms give a little less than fourteen on the Stanford scale. Either the army tests are unreliable or the Stanford norm is incorrect. Mr. Terman more or less realizes this, for he says that "Psychologists are not entirely agreed as to how this fact (this disparity between army "adults" and Stanford "adults") should be interpreted, but that is beside the point." I beg his pardon. It is the whole point when you are talking about "the average mental age" of Americans.

The second time Mr. Terman stoops to argument is on the factor of speed in the army tests. He refers me to an experiment conducted under his direction by Doctor Mark A. May as proof that time played no part in the army results. The only trouble with Dr. May's experiment is that it does not prove Mr. Terman's point. What is more the editors of the army report stated quite definitely that Dr. May's experiment did not prove the point.

Dr. May tested about a thousand men with double time, and found that "the order of abilities of various persons" was not materially altered. That is to say, the relative positions of the men remained about the same. The better men still graded ahead of the poorer. But in actual performance time *was* a very great factor, as Dr. May's own figures amply prove. Added time did not help the very poorest men much. Of those who scored zero on single time in each of seven tests, an average of even 17 percent made a better showing when the time was doubled. But of those who scored ten points in each of the seven tests over 80 percent gained by doubling the time. (p. 418) Naturally, then, the editors of the army report, who are men of quite different scientific temper from Mr. Terman, took good care not to let Dr. May's experiment be used for just such careless generalization as Mr. Terman has let

himself in for. Therefore, after presenting Dr. May's data, they hasten to state that "the high frequencies of persons gaining at the upper levels (often 100 percent) indicate that for the people making high scores on single time the 'speed' element is predominant." (p. 419)

Mr. Terman's difficulty is a very simple one. Finding that the best men are still the best with double time, he notes triumphantly that the top five percent are almost exactly the same men under double as under single time. The top five percent are still the top five percent. I never denied it. What he fails to note is that although the relative positions are the same, the absolute performances are often radically different. "The top five percent" has no relevance to the argument. The relevant fact is that a very large percentage of men made much better scores when the time was doubled. And since the classification of any man as an "A," a "B" or a "C," was determined by his score, not by his relative position, there could have been more "A men" in the American nation if the army had thought it convenient to double the time.

Mr. Terman ought at the very least to interpret correctly work done by his own pupils under his own direction.

These are the only two instances where Mr. Terman ventures to debate. Throughout the rest of his reply he is consumed with laughter. It strikes him as enormously funny that data based on a few years out of the lives of a rather small number of school children should not be deemed proof that Mr. Terman has measured "native intelligence." It strikes him as enormously funny that I should argue that his tests do not provide

convincing canons by which to distinguish hereditary from acquired ability. He jumps to the conclusion that I deny the hereditary factor. I did not deny it. I denied Mr. Terman's unproved claim that he had isolated the hereditary factor. Mr. Terman's logical abilities are so primitive that he finds this point impossible to grasp. But nothing seems to him so ludicrous as my argument that no testing which begins at four years of age can possibly claim that its results are uninfluenced by infantile education. The notion that the first four years of experience are highly formative arouses all his gifts of satire.

I said in my article that Mr. Terman was insensitive to childhood. I repeat the statement, and add that a psychologist who sneers at the significance of the earliest impressions and habits is too shallow to write about education.

Finally, a word about Mr. Terman's notion that I have an "emotional complex" about this business. Well, I have. I admit it. I hate the impudence of a claim that in fifty minutes you can judge and classify a human being's predestined fitness in life. I hate the pretentiousness of that claim. I hate the abuse of scientific method which it involves. I hate the sense of superiority which it creates, and the sense of inferiority which it imposes.

And so, while I honestly think that there is a considerable future for mental testing, if it is approached with something like the caution employed by the editors of the army report, I believe also that the whole field is destined to be the happy hunting ground of quacks and snobs if loose-minded men are allowed to occupy positions of leadership much longer.

WALTER LIPPMANN.

## Henrik Shipstead

HE is barely forty-one. He took his degree in dentistry at Northwestern University in 1902. He has twice been mayor of the small Minnesota town of Glenwood. He ran unsuccessfully against Volstead in 1918, and—again unsuccessfully—against Preus for the governorship of the state in 1920, on the Nonpartisan ticket. And now he comes to the United States Senate as a Farmer Laborite with a majority of 80,000 over Kellogg behind him—Kellogg the personal friend of the President's, the white-haired, respectable old party horse who has for so many years been strapped in party harness and pulling party loads up hill and down. Shipstead will arrive in the

midst of the Senate's collection of blinders, heavy hoofs and nose bags with no marks of harness on him, nor any bit in his mouth, and will be received as would a wild horse in the Augean Stables.

To most of them his campaign program would certainly sound wild and threatening. Shipstead told the people of Minnesota that "unless we have a new deal in Washington, we are likely to become involved in another European war," that "the power of monopoly which gives the owners and operators of the coal and transportation industries the power to inflict hunger and suffering on the citizens should be taken away from them," that "in practice the Federal Reserve Banking Act has

proved a very clever device giving to a few men control of the people's money and credit," "that the dollar-a-year patriots who during the war used their positions of honor and trust for looting our public treasury out of billions of dollars should be punished and the stolen property restored," that industry "must be compelled to give a living wage to the husband or breadwinner of the family."

Shipstead, one gathers from such words, will come to Washington with intentions, bitternesses, certainties. There is a note of prejudice—even if it be true—in this statement of his, made after the election: "New York sits back and looks upon the rest of the world much as Great Britain looks upon India." New York, or rather the much more than New York that the name stands for, can look for no quarter from him. Yet behind these and other certainties in his mind there is a distinct scepticism. "For any candidate," he says, "to say that he will represent all of the people if elected is mere buncombe." And in his eyes "the recent Democratic victories do not express any definite hope on the part of thinking people. The people wanted to go somewhere. The frying pan was too hot, so they jumped into the fire."

He hates "the Main Street spirit," of course. But Main Street is only one of our streets. There is a better little side-street off Main Street which is just its reverse. There you find the opposite prejudices, the contrary beliefs to those of Main Street, what one might call the radical or protesting counterpart of Main Street's truisms. There, instead of the chorus of praise of America as she is, you will find a minor and bellicose chorus rehearsing the story of America as she ought not to be. In reading his printed words, one half suspects that Shipstead has occasionally strayed into that side street and brought back with him a little of its accent. Face to face, the man belies this completely. There have been a number of Senators who have individually jarred in the Senate's grays and browns like a bright patch of color. But Shipstead is as much unlike them as he is unlike the average Senator. Neither is he like the thousands of people who are not Senators. He is not, in fact, like anybody else. He does not seem to have taken any of the colors of his background, nor the words nor feelings of the men he has mixed with. He is distinctly himself.

In spite of his six feet or more of body, spare like a lumberman's, he does not strike one at first as aggressive. There is something restrained, almost gentle, in this huge frame that stoops slightly forward at the shoulders as if from meditation. The face is an inscrutable combination of something indomitably hard and something else incur-

ably moody. It is a lean face, with a wide mouth, a long straight nose, a chin not too obviously uncompromising. A rather drawn face, a little lined too, not from worry or defeat, but as if the winds of the world had forced its owner, after long battle, to take reefs in it. The voice at first, in ordinary talk, is low, firm, a trifle sad. There is a distinct and engaging Norwegian accent, a foreignness which flavors words and phrases which are not foreign at all. For Shipstead has a peculiar command of our speech. He talks as fluently as any of us, but he often sounds as if he had never read a newspaper. What he says does not sound as if it had been taken from the common well of speech at which the rest of us draw our watery language. He says plain things, ideas one has heard before, but from him they come as new things, wrapped in philosophy and images deep from an ancient soil. And indeed this ancient world seems very near in him. The fierce stare of the two cool gray eyes he turns on his questioner, their fearful challenging snap, the sudden change from a knife-edged earnestness to a gentler mood of doubt, of memories, the clipped salty speech, the pictures of the world that invade phrases which are meant to convey an idea only, the stamp on him of something lyrical, and proud, and kind, and bitter, all these show that his ancestors, Norwegian mariners and farmers, are very near to him. Minnesota has not cut him off from men who knew the taste of freedom and loved to roll it on their tongues.

Shipstead, as he writes in his campaign statement, is clear cut, definite, purposeful. When he talks to you he is almost another person. If his purpose remains plain, it is to its most general features that he constantly returns. Confronted with some of the things his philosophy means when it is applied, he does not jump at the chance of drawing for you blue prints of particular applications. Ask him what he thinks of this or that issue and, while he does not avoid touching upon the matter, he only touches on it, returning soon to the wider aims which he likes better to think and talk about. These wider aims, as he develops them, seem to have in them almost more philosophy than politics. Politics as such do not interest him at all: he will not show much talent or fondness for the personal, chess-game side of politics which is essential to the most obvious kind of success in politics. He may for a while be enough distracted to help in a minute, patient campaign for a bill, a campaign which requires inordinate and often trivial knowledge, and a passion for talking others around to one's point of view, but he will soon return to his fundamentals. He is a man of profound Jeffersonian feelings and

impulses rather than a Jeffersonian of ideas. Government, and the power over their own lives that goes with it, must be restored to the people, he would say. But he has no illusion that such a restoration spells anything like a millennium. It seems a return to the right track, the track along which progress, though it will beyond doubt be halted by many mistakes, will at any rate be moving in the right direction. He foresees many mistakes, as humanly unavoidable, but by mistakes we learn. And Shipstead is, most of all, anxious to learn. His sense of what is the right cure is perhaps vague—he knows this to be a more promising frame of mind than certainty, while his desire for a correct diagnosis is passionately keen. While he will be open to conviction on almost every point of detail, he is the kind of man whom no one can deviate from his general course by an inch.

Perhaps he won't be a leader in the Senate, that place so sure to tame anything that is tameable at all, perhaps he will be lost in its small expert detail. But he won't be anybody's blind follower, he won't relax, he will often sting their faces with the keenness of a north wind.

ROBERT LITTELL.

## Stage Directions

Trumpets. Enter a King, in the sunset glare.  
He sits in an antique chair. He fingers an antique ring.  
The heavy cloak on his back is gold and black.

The hall is tall with gloom. A window stands  
Full of scarlet sky. The hands of trees entreat the room,  
Plucking and plucking the pane. An oblong stain

Of scarlet is flat on the floor. The projected flare  
Slants to the foot of the chair. The chamber's farther door  
Slowly advances its edge. A smoky wedge

Of thick blue mist, growing wider as the door swings  
Noiseless, twitches the king's hands. He is crouched like  
a spider.

His eyes are green as glass. Shudderings pass

That shrink him deep in his cloak. The door is wide.  
The doorway, from side to side, is packed with mist like  
smoke.

The dreadful scarlet dies from the windowed skies.

Silence crosses the room. Nothing more.  
Silence crowds from the door, gathers, gathers in gloom.  
His fluttering fingers rise to cover his eyes.

Silence says nothing at all. It is thickly pressed,  
Like a multitude obsessed with terror, from wall to wall.  
Silence, deep with dread, is the weight of lead

That slowly constricts his breast. Fingers fight  
At the throat, in fierce despite of death, as the drowned  
resist

Green gulfs that roar and ring. . . .

Exit the King.

WILLIAM ROSE BENÉT.

## The Mould of Form

VIERGE A L'OFFRANDE

The Virgin—in the Bourdelle exhibition of the Chicago Arts Club—holds the child so that his outstretched arms are just above her head, which is a little to one side and bowed slightly forward. The child's feet rest on her right arm held across her body under him; her left hand is raised to support him. You see the Virgin's feet from beneath her robe, which falls toward them in heavy folds. On all sides the statue is beautiful; the back of it; the right side, which is more broken and triangular in its downward flow; the left, which has a longer and more swaying rhythm; all are beautiful and secure and essential and unified. And the lines of the head and limbs and garments seem to separate from the actual objects that they represent; in themselves they express the offering, the lifting, the height of love that the woman at that moment has become. Across the lines of her figure that flow up and down and slantwise and backward and forward, go the lines of the child's arms, even the top of his head is straightened till it is parallel with his arms. The lines of his head and his arms are repeated in the mother's supporting right arm. And in the child these horizontal lines subtly establish themselves against those of the larger figure that flow toward him. And subtly these lines of the child's head and arms, though they flow from it, become separate from the rest of the statue; they emerge; they are apart; and they give above the rest a sense of eternal poise, of the impersonal, of the quiet of redeeming love. And then only afterward, it is only afterward that we observe that the position of the child forms a cross. Only afterward do we realize that this, precisely, is an image of the Virgin Mary holding up as an offering for the world her son whose symbol is the cross.

## THE THEATRE OF THE DIVINE COMEDY

Mr. Norman Bel-Geddes' model of the theatre he imagined for Dante's poem is four feet wide perhaps and something over two feet high. Its general form resembles an amphitheatre or a crater in the earth. It is first of all a deep bowl, with steps running round it in tiers till we rise to the middle level and then downward till we reach the bottom, then upward again to the higher levels beyond. And on either side of that semicircle of varied steps running here and there on the farther half of the theatre, mount forms like half-pylons built up of uneven and elusive planes. Here and there across the horizontal circles of steps lead smaller flights of steps upward. The planes everywhere, especially those of the pylon forms, vary, they remain the same, they flatten, they change, they move forward and seem to vibrate. The whole of the design is simple and economical in its use of the means at hand, which consist of planes, lines, mass. But it seems infinitely subtle and varied and breathing. And about the whole form of the model there is something that I feel as I look at it; the whole thing as it stands there appears to be waiting. It appears to wait for what will reveal it, for light. As the life of the earth waits for its final revelation which is the sun, these quiet forms resting in such a living unity await the light.

The light whose power will be brought to this gray form of the theatre model will be of every color and from

every direction, from one direction after another. The light will pour up from the bottom, in circles and whirling rhythms upon the edging lines of the steps; it will strike fire against the bases and on up the two pylon forms, whose walls will quiver with their own changing planes and whose summits will fade away into darkness. The light will fall from the right hand, and great shadows will cut across the mass, even striking at the feet of the blazing forms and spaces and sharp half-lights on the left. The bowl will be dark, a chasm of darkness, and above it will soar like wings, ineffable or passionate or ominous, the flight of the half pylons at each side. Or the light will pour straight up from the pit, and only the glow of forms, dim, strangely restless and unending, will hover around and beyond this radiance. And in any of these lights human or monstrous shapes may appear, high up, or down low, radiant or dark, outlines of bodies or translucent emanations of spirit, figures of light, or masses looming above the ground; shapes that will move in light and blackness and will be inseparable from the surrounding forms. But without its lighting, without human shapes, and seen only as it stands on its platform, the model of the theatre of the Divine Comedy is complete with a passionate life. Its tiny dimensions have no existence, its proportions are its reality. And when you look long at it, it darkens in the imagination and stirs you, seeming to rise out of the tragic substance and shadow of the earth.

#### A DRAWING BY MAURICE STERNE

As soon as my eye falls on this drawing by Mr. Maurice Sterne I feel that up to this moment I have never known what drawing essentially is. I have seen Botticelli's drawings with their wonderful lines that look as if the finest quality of the Greek vase painting had been translated into some poetic vision. I have seen Rembrandt plates; I have seen Holbein's rendering of characteristic planes through outline and faint shading; and I have seen the drawing of Pollaiuolo and Michelangelo and many other great masters. But in this figure that Mr. Sterne has done of a man sitting on the ground with his knees drawn up and clasped in his hands, I seem to understand for the first time what the nature of drawing is.

Here is rendered the fundamental quality that makes drawing an art, makes it a thing that is not dependent on sketching or painting or sculpture or design, but is an art in itself. Here on this paper upon which the artist has set down his idea, is a line; but as drawing that line itself is nothing to the point, however beautiful its nuance may be. Here is another line, but neither is it in itself to the point. But between them there is something that comes to life. It has solidity, has its own inevitable content. In the body of the man that the artist has drawn there is a life characteristic and special to it. In this drawing there does not appear that life seen in the man. It is another life, which is created out of the artist's idea as he looks at the man's body and which has come into a distinguished and whole existence of its own.

#### ENVOI

With each of these, the Vierge a l'Offrande, the theatre for the Divine Comedy, the drawing by Mr. Maurice Sterne, there may be connected some association that may

enlarge its appeal or make this appeal more sympathetic to the humanity of the observer. Mr. Sterne's drawing may delight us with man's strength and the symmetry of his muscles. Bourdelle's statue may be the story of the Holy Mother and her Divine Child offered by her in knowledge and sorrow to redeem the world. The model of the theatre may have about it the reminder of the circles of the damned, the flames of hell and the light of Paradise that Dante sings; it may harbor the shade of Dante's sweet master Virgil who casts no shadow as he walks, the forms of Paolo, Francesca, and Semiramis, and of hosts of spirits tortured in the depths below or mounting in glory. We may see on those circling slopes the whole flaming pole that Virgil pointed out, the little flowering vale that had no ramparts; we may see the evil reptile or the celestial falcons, gli astor celestiali, whose green wings Dante heard cleaving the air.

But not one of these works of art depends for its beauty or meaning on such associations; it is complete in itself. Moreover it has life in it; and life in a work of art, as in a man, consists not in action or strenuousness but in a pressing inner force, a kind of pressure from a centre outward. But though each of these works of art is complete in itself, it is related fundamentally to all experience. The forms here are those that underlie for us all nature and all living, and that unify, through idea, our whole existence. They might be the forms of a statue; a theatre model, a drawing, or the forms of falling and flowing and still water, of hanging boughs and of cliffs, promontories and plains and hills, or of the shapes taken by smoke and fire and clouds and invisibly by thought and music.

STARK YOUNG.

## CORRESPONDENCE

### The Enforcement of Prohibition

**S**IR: In your issue of December 13th, Mr. Walter Nelles objects to a distribution of responsibility for the enforcement of the Prohibition Amendment between states and nation, leaving all intrastate violations to state enforcement, and concentrating the federal function on interstate and foreign traffic in liquor. He objects to this allotment as "pure legalism," having nothing but "historic" justification. As conclusive objection to the proposal on its merits he invites us to "compare our statistics of crime and punishment with those of any country in Western Europe in which the police power is centralized." The issue raised by Mr. Nelles is a vital one and it is likely to increase in importance. It demands vigorous discussion, not however of generalizing theory, but with very concrete reference to actualities. I venture these brief comments upon Mr. Nelles's letter.

1. It is not a fact that "the police power is centralized" in those countries of Western Europe most distinguished for law enforcement. Speaking of the normal period before the war, certainly no nation exceeded Great Britain and Germany in the quality of its law enforcement. Neither nation illustrates centralized police power as a national administration. England and Scotland have distinct police, prosecutorial and judicial systems. To this scheme must now be added a separate system for Ireland; and the strong movement for devolution in Wales must also be noted. Similarly, in Germany the police power was not centralized in the Empire, but centralized in each of the constituent states. Nor is there any likelihood that this administrative scheme will be changed by the present Reich.

2. The countries which do disclose centralized police power, particularly France, present a wholly different situation from our own. There is no analogue, I believe, in any civilized country to a centralized police power such as Mr. Nelles suggests for this

country. Let him name "any country in Western Europe in which the police power is centralized" comparable to the United States in size, in diversity of conditions, in population, with its seat of government five days' distant from portions of the country's periphery. Moreover, even in countries like France, incomparably smaller in size and in population, and infinitely less vexed in its social problems, strong centralization is by no means the unquestioned good that Mr. Nelles implies. Let him read the *Calvary of Peter Vaux*, in Mr. H. B. Irving's *Last Studies in Criminology*, for an illustration of the powers for mischief inherent in a highly centralized police administration.

3. Surely the difference between law enforcement in Western Europe and with us is not to be disposed of by Mr. Nelles's all too simple generalization. It is the old fallacy of assigning a simple, single cause for many and complicated factors. For an analysis of the conditions making against law enforcement with us, I venture to ask his attention to the Report of the Cleveland Survey of Criminal Justice.

4. The essential issue raised by Mr. Nelles is the tangled problem of administrative areas. Our administrative areas for matters of local concern, are, broadly speaking, the states. It is really too blithesome to dispose of them as merely "historic." Upon what grounds except "historic" does the centralized government of France rest? Histories are not to be lightly swapped; a long course of history is apt to rest on humanly intrinsic considerations. In such matters, it has been wisely said, "a page of history is worth a volume of logic." Behind our history rest convictions of experience; and the direction of political science the world over is towards our faith in federalism, and not away from it. Of course, the most effective administrative areas within a federation are not to be delimited dogmatically. As well ask the Swiss to give up their cantons because they merely rest on artificial boundaries as wipe away state lines in this country. For some purposes, to be sure, we may have to have different administrative areas; we may have to have devolution even where federal power exists, as illustrated by the Federal Reserve Act. But surely it is the weirdest fantasy to expect our failures of law enforcement to be cured by centralizing all administration in Washington. I cannot help but wonder whether those who suggest it have ever had the slightest opportunity to gauge the absorptive powers of the federal government in the assumption of increased burdens. It will not do to say that all we have to do is to increase officials. Multiplying judges by no means multiplies justice. Our federal administration of justice has been heretofore as effective as it has been very largely because of its limited jurisdiction, and this is equally true of federal administration in general.

5. We do need centralization of our system of law enforcement; but it is not centralization in Washington for the whole country. What is needed, as was pointed out in the Cleveland Survey, is a unified system of law administration in each state and an effective, flexible, and unified system of law administration of the federal government within the narrow field of its jurisdiction. Put upon states and nation respectively burdens of law enforcement within the capacity and the traditions appropriate to each, and we shall have the beginning of a régime of law enforcement as effective and as suited to the conditions of this country as law enforcement in England and Scotland is appropriate to those countries. And, specifically, with reference to prohibition, the Eighteenth Amendment by giving Congress and the several states "concurrent power" to enforce it has built upon what I ventured to call the "historic and intrinsic allotment of authority between federal and state action."

Cambridge, Massachusetts.

FELIX FRANKFURTER.

## New Churches for Old

SIR: In a recent number of the *New Republic*, Professor Miller reviewed the book of Dr. Holmes entitled *New Churches for Old*. In the course of the criticism Dr. Holmes is charged with "surrendering to the intellectual fashion of the moment"; references to Bergson and Einstein are presented as signifying that Dr. Holmes is offering these writers as sources for a spiritual sustenance which the religious classics no longer afford, and thus assuming that his readers will not see the difference "between religion and metaphysical physics."

The criticism seemed sound. But I read the review before I read the book. When I read the book I found that Dr. Holmes

was making a radically different point, namely, that men whose minds were familiar with modern thought as exemplified in Bergson and Einstein could not be expected to take an intellectual interest in ancient formulations of theology, and that the attempt to force these antiquated intellectual documents upon men of modern intellectual training is one of the causes of the collapse of the church.

I do not write this note in defence of Dr. Holmes, but to raise a question. Professor Miller is undoubtedly both intelligent and sincere. I have almost never read a review of a book with a serious content, written by a person belonging to a different "movement," that did not contain just such unconscious misrepresentations. What is the reason? What is there in our education that so warps the mind? Or is the bias of partisanship so strong that no education can straighten its warping effect?

D. Y.

New York City.

## The Indian Rights Association

SIR: The friends of the Indian should feel grateful to you and to Mrs. Alice Corbin Henderson, for her able article on the proposed rape of the Pueblo Indians through the medium of the Bursum bill. Permit me to say, however, that Mrs. Henderson was not fully informed when she stated that the Indian Rights Association had "remained silent on this issue." Unless I am greatly mistaken, the first analysis of the Bursum bill, showing its iniquity and injustice to the Pueblo Indians was published by the Indian Rights Association (in its 39th annual report) about one year ago, in which friends were urged to write to their representatives in Congress protesting against its passage. That report was sent to all the people whom we knew were interested in helping to defeat the bill, and while I do not presume to speculate as to how far it may have inspired the later activities, very little has been stated in opposition to the Bursum measure that is not contained in our original analysis.

We are now, and always have been opposed to the Bursum bill. Through our Washington representative, we requested the Chairman of the House Committee on Indian Affairs to arrange for a public hearing when the opponents of the bill could be heard, and that the date should be set sufficiently in advance to allow time to secure the attendance of those interested. This hearing was promised by the Chairman of that Committee.

On November 21st, on motion of Senator Borah, the bill, by unanimous consent, was recalled from the House for reconsideration by the Senate. Mr. Borah assured our Washington representative that the opponents of the bill would have ample opportunity to be heard.

A new bill has since been introduced in the House by Mr. Snyder, Chairman of the Committee on Indian Affairs, that might be regarded as a substitute for the old one, in which, though it is by no means perfectly satisfactory to us, some of the extremely faulty features of the Bursum measure have been removed. It is understood that hearings on this bill (H. R. 13452) will be held early in January by the House Committee on Indian Affairs.

May I take this occasion to say that we are following up the matter with the utmost zeal and care.

M. K. SNIFFEN,  
Secretary Indian Rights Ass'n.

Philadelphia, Pennsylvania.

## The Bursum Bill

SIR: As a subscriber to your magazine I was considerably interested in the issue of November 29th containing an article entitled, *The Death of the Pueblos*. It is true that while this bill passed the Senate with apparently little or no opposition, it did meet with opposition by members of the Committee on Indian Affairs in the House. Before hearings were arranged for, the Senate, during the early days of the late extra session, asked the House to send the bill back to it. This undoubtedly means a very radical amendment of the measure or its final demise.

WALTER H. NEWTON.

House of Representatives,  
Washington, D. C.

## Methodism vs. Intellectual Honesty

**SIR:** I have read your delightful editorial upon the Buckner Case entitled Methodism vs. Intellectual Honesty. It appears as if written by "one of the crowd" and lays bare a fact that the religious life of today may well reckon with. Such occurrences serve to remind us that the ecclesiast and the reasonably good soul with the mediaeval mind is still in our midst. No decent Methodist has any sympathy when certain of his fellows commit blunders such as the New Republic indicates.

But there is an insinuation in this article which is not true. It makes the same blunder which all men are in danger of making when attempting to definitely indulge in that loose knack of classification. Methodists as a group are not opposed to Intellectual Honesty. The title and the tone of this article impute to Methodism an antagonism toward intellectual frankness which simply does not exist. I have conversed with more than fifty Methodist ministers about this matter and know that they stand squarely for an unfettered mind, and believe that if the writer of that article had travelled about a bit more and seen more Methodists, he would be obliged to modify his theme to read: Some few small Methodists vs. Intellectual Honesty. Wherever truth is concerned, Methodism cares for it just as much as the New Republic does, and that is why we are so happy at the straffing you give those who hedge on such an issue.

ROBERT LEONARD TUCKER.

Cass Avenue Methodist Episcopal Church,  
Detroit, Michigan.

**SIR:** Your editorial Methodism vs. Intellectual Honesty was of no little interest to me. While I am almost amazed at your remarkable grasp of the fundamental needs of the situation, yet I wish to give my views of certain statements that I believe are either too sweeping, or are incorrect. You say "All the more powerful Protestant Christian sects shirk in one way or another the same issue. They are all, that is, sacrificing the positive assertion of religious conviction to the perpetuation of their churches as organizations; and their churches tend consequently to become political rather than religious societies." Now this may be true of the majority, and you may not consider our church one of "the more powerful Protestant Christian sects"—perhaps we are not politically, because our denomination has always been rather weak on organization, as true democracies frequently are. However, I should like to call your attention to the fact that the Lutheran Church, divided as it may appear externally, has that inner unity that you feel the others lack, and also that it does not "shirk in one way or another the same issue." We are not "sacrificing the positive assertion of religious conviction to the perpetuation of" our "organizations." While this may be true of those churches that have shown so great an interest in reform through legislation, rather than through preaching the Gospel in order to make new people that will in turn make a righteous nation, it is not true of our church.

Your statement that "Historical scholarship and scientific naturalism have undermined the interpretations of a Christian truth which prevailed at the time when the existing churches came into existence" belongs in the category of what I believe to be incorrect. As a graduate of a state university in which scientific naturalism was taught I can say that I can accept the "results of scientific research" without abandoning "more or less of the old interpretation." The historical scholarship you refer to is by no means infallible and accurate as it would have the layman believe, I am in a position to know. Furthermore the results of "scientific naturalism" do not need any foolish mouthings of any former presidential candidate to show that at best they are hypotheses, and the present popularity of such things as spiritualism, theosophy, New Thought, as well as the development of the psychology of the unconscious, are indications that the rationalism and scepticism which are the result of scientific naturalism are untrue, because they are not only unscientific, but are unsatisfying to the human mind.

I do not believe that our church harbors "men and women who cherish mutually exclusive views about the function of the church, the inspiration of the Bible, the nature of Jesus Christ and the significance of His birth, life and death, and of the kind of reality which men should attach to the words immortality and God." I can say that while possibly there may be some they are very few, and if there are any they are careful not to air their views or our church would not "harbor" them. Nor would we use such methods as the governor of Colorado used on Foster to remove them.

On the whole I think your article is quite commendable, but I hope that you may find space in your paper for this letter, that your readers may know that there is still in America a Christian church of large membership which still contends earnestly and heartily for the faith once delivered to the saints.

Christ Lutheran Church,  
Evansville, Indiana.

J. HEBER SHUNK.

## Recognition for Russia

**SIR.** The National Labor Alliance for Trade Relations with and Recognition of Russia would like to call the attention of the readers of your magazine to the first mass meeting they have organized in New York City, January 7th, at the Lexington Theatre, at 8:15 P.M.

This meeting will be important in that there is much newspaper discussion on the subject of recognition of the Russian Republic and our speakers are well able to present a truly American viewpoint. Captain Paxton Hibben has had wonderful opportunity to see the progress in Soviet Russia during the past four years; Frank P. Walsh visited Russia this summer and returned convinced as to the stability of the Soviet government; Sidney Hillman, President of the Amalgamated Clothing Workers, has just returned after several months in Russia; Dudley Field Malone was the first American official to make a pronouncement in favor of recognition of Russia and who, after two years in Europe studying conditions, is still convinced that the key to the settlement of Europe is the recognition of Russia; James H. Maurer as a representative of organized labor is well fitted to give expression as to the suffering in the ranks of labor caused by lack of work in the industrial market. The Chairman is Jerome T. DeHunt.

Admission to the meeting is by ticket, the entire orchestra and circle 35c., balcony 25c. and gallery free. On sale at Room 606—110 West 40th St., Penn 1738.

ELISABETH FREEMAN.

## Militarism in the Churches

**SIR:** In your issue of December 13th, the Rev. Mr. Dieffenbach, editor of the Christian Register, complains that I misunderstood his editorial when I cited it as proof of the dangerously belligerent tendencies of the church. The editorial in question was headed "America Go Forward!" It did not call for a war on the spot but it contained such sentences as these: "Today America must come into the crisis, not with bulging largess for relief, but with the force of informed righteousness. We are probably on the threshold of a real war of the world, a war, at last, between Occident and Orient. . . . We now learn with a shock that our own safety and permanence depend upon our taking all the risks of living dangerously. . . . We will associate ourselves in peaceful counsel, or, if it must come, in battle order, with those forces which are in harmony with the principles of freedom and democracy. . . . In such case we are never a neutral, and isolation is a sin! The hour is here." These are only a few of the sentences I might have quoted. I submit that they abundantly justified my original comment on the editorial. If further proof is necessary, I cite Mr. Dieffenbach's own admission in a letter to the Nation, December 6th: "Our position all the time has been that this country should do the right thing. If that means peace as it has in many critical instances in our foreign relations, very well. If it means war, much as we oppose war, then it must be war."

That is, of course, the position of every militarist. No one admits favoring war in preference to peace, and no one advocates going to war if his enemy will yield without it. My whole point was that the Near East crisis under no circumstances ought to involve the United States in war, that such a war could cure none of the evils against which churchmen inveighed, and that the churches were neither serving their country nor their religion by such inflammatory statements as I have quoted from the Christian Register. Mr. Dieffenbach has every right to argue this point with me. He has not, I think, a right after inditing such an editorial, to complain if he is accused of preaching a holy crusade. You cannot both have your cake and eat it, and the attempt to arouse a popular passion for "living dangerously" at the very time one denies that one is advocating war, is an example of that unreality and sentimentalism which is so serious a fault in much journalism both within and without the church.

NORMAN THOMAS.

New York City.

## The New Constitutions of Europe

*The New Constitutions of Europe, by Howard Lee McBain and Lindsay Rogers. New York: Doubleday Page & Company. \$3.00.*

**I**F England is the mother of parliaments, America is the mother of constitutions. Here was first developed the idea that the natural and inalienable rights of man could be guaranteed for all time by a document expressing the sovereign will of the people. From America the idea spread to France, and from thence it was broadcast by the French Revolution. Soon it became an axiom that no country was free unless it had a constitution; and in every land an unceasing struggle went on to obtain one. The belief at one time was well nigh universal that once the magic word "constitution" was spoken, the heavy gates of tyranny would fly open, and the people would enter the happy land of Liberty, Equality, and Fraternity. And so a constitution cult began which had its devotees in every country and which still flourishes vigorously.

Curiously enough in the land of its origin, in America, the constitution came to be regarded as a wholesome check on popular movements. "Give the people what they want but make it unconstitutional," said some wise politician.

When, as a result of the World War, new nations arose from the ruins of the four Empires, they straightway began adopting constitutions. These have now been collected, translated, and edited by Professors McBain and Rogers of Columbia University. The volume contains the constitutions of Germany, Prussia, Austria, Czechoslovakia, Russia, Poland, Danzig, Esthonia, and Finland. In the appendix the constitutions of Belgium, France, and Italy are reprinted for good measure. Each constitution is prefaced by a historical introduction, which is brief, reliable, and succinct. But that is not all. The first part of the book is devoted to an essay, 164 pages long, on constitutional government and its problems which is brimful of knowledge and ideas, obviously the result of considerable study and reflection. Sound scholarship has fortunately not dulled the pens of these professors who write easily, even gaily, of the problems that confronted the "founding fathers" of the new nations.

Never had such an opportunity presented itself to constitution makers as that after the World War. "Tradition had been so rudely shaken that they felt little obligation toward or respect for existing institutions. They were footloose. They could borrow and adopt from the written constitutions of the world. They could even improvise it out of hand." What did they do? In the main they followed. England and France were the models, for they all adopted the English parliamentary system; and, nearly all, the French presidential system. "The rigid system of the United States apparently had no attractions." References to the constitutions in this book do not include the Russian, which is totally different from the others. The Russian constitution has already attracted sufficient attention and needs no further elucidation here.

All the new nations have adopted proportional repre-

sentation, woman suffrage, and the initiative and referendum; and with these reforms political democracy has completed its circle. The section in the introductory essay devoted to proportional representation is particularly good. The various systems are explained clearly and fairly, so that any intelligent person can easily understand this new electoral method. In an acute analysis of the party system the authors point out that it fails to represent public opinion adequately because in practice it is based upon residence, not upon division of opinion. The unfairness and absurdity of the existing electoral system is attested in nearly every election, as rarely does a party's representation correspond to its popular vote. We have just seen an illustration of this in the recent English elections. The Conservatives came into power electing about 57 percent of the members of Parliament who received less than 38 percent of the popular vote! It was a famous victory.

What is to be the future of the bicameral system? In theory an upper house is a wise, mature body whose function is to be the "second thought" of the nation. This is pure buncombe, as a nation does not think twice; it seldom thinks once. Originally an upper house consisted of the leading members of the landed aristocracy who were there to protect their class interests and privileges. As democracy advanced the lower house continually encroached upon the powers of the upper so that today the latter have become, as Professors McBain and Rogers wittily and accurately declare, "secondary chambers." In all the new constitutions the upper house is made subordinate to the lower.

In vain does one look for any definite provision in the new constitutions for popular control of foreign affairs. This is significant. Did not the tragedy of the World War bring secret diplomacy into disfavor? No, think the authors; and they explain that the new nations emerged from the war in an atmosphere of international intrigue and immediately began plotting against their neighbors. All of them have "national aspirations," "manifest destinies," "sacred egoisms," "historic necessities" to fulfill, which cannot be done openly lest the average man behold the scheming interests behind these sonorous phrases.

In reading the constitutions in this volume I was rather surprised to see how little their makers took advantage of their opportunity to establish new governments that would be in advance of the old ones. For their day the American "founding fathers" were far more venturesome and much more original than their European successors; the latter seem to have been stricken with imaginative poverty, so little originality is to be seen in their handiwork. To read one after another of these constitutions gives one the impression that all of them must have been written by the same person. They state the same things in the same monotonous way—freedom of speech, religious equality, personal liberty, equality before the law, popular sovereignty—faint and far-away echoes of the revolutionary thunders of '93. How boring is the radicalism of yesteryear!

I said "all." But that is not correct. There is one exception, and that is the German constitution, which is by far the most original and most advanced constitution in existence, new or old. It is the only one that recognizes that the great problems of today are social, and provides new principles and new methods to solve them. It contains a truly remarkable series of articles which may

be described as a Bill of Social Rights. Here are some of them:

The right to work is recognized; so is the principle of a living wage; provision is made for the organization of factory councils, consisting of employers and employees, with power to regulate wages and conditions in the factories; compulsory education of children until the age of eighteen is provided for; "illegitimate children shall be given by law the same opportunity for their physical, intellectual and social development as legitimate children"; education in the schools shall be "in the spirit of German national character and of international conciliation"; it recognizes absolute civil equality of men and women; maternity is to be subsidized by the state; marriage is to be based upon equal rights of both sexes; private enterprises may be socialized when deemed necessary with compensation to the owners; and unearned increment in land values may be taxed. Another provision, one which may prove to be a landmark in constitutional history, is that which establishes a national economic council representing all the industries "proportionately to their economic and social importance", consisting half of employers, half of employees. To this council Parliament must refer all bills pertaining to social and economic matters; the council may also suggest such bills to Parliament. The council is not given legislative but advisory powers, yet in time it may become a real social legislature. France, defeated in 1870, got rid of her consumptive Second Empire; Germany, defeated in 1918, escaped from her iron bound Prussian prison. And so does the Jester of the universe arrange matters here below!

Austria's fundamental law violates in one respect Napoleon's conception of a constitution. "An ideal constitution," said Napoleon, "is one that is short and obscure." Austria's is long and obscure, very long—about fifty closely printed pages—and very obscure. Its authors vomited forth page after page of constitutional verbiage, some of it meaningless, some of it useless, all of it painful to read. And this the land of Arthur Schnitzler and Johann Strauss!

The Czechoslovakian constitution is the only one that shows some American influences. It provides for a supreme court with power to pass on the constitutionality of laws. The president may not be elected twice in succession; his powers are large, not unlike those of the American president.

The Polish constitution opens with an exclamation, "In the name of Almighty God!" Then follows a perfervid Vorspiel in which Poland solemnly pledges herself to develop "all her moral and material forces for the good of the whole of renaissance humanity." This document is the only one in the volume that shows tinges of reaction. No one is eligible for President of the Republic unless he formally declares his belief in the Holy Trinity, which excludes Unitarians, Jews, freethinkers, and many Protestants. There is another provision which recognizes the Roman Catholic as the national religion. Apart from these articles the Polish constitution is as democratic as the others.

In writing this book the authors have rendered a distinct public service. They have made available in convenient form and in good English the constitutions of the new nations, some of them not accessible in English and others very difficult to obtain. The book should be within easy reach of every one interested in public affairs.

J. SALWYN SCHAPIRO.

## An Anthology of Italian Poems

*An Anthology of Italian Poems (13th-19th Century), selected and translated by Lorna de' Lucchi. New York: Alfred A. Knopf. \$3.50.*

HERE are gathered, for the lover of poetry, some two hundred Italian lyrics, printed in the original Italian on the left hand pages, and in English translation on the right hand pages.

To the reader unfamiliar with Italian the book will give first of all, perhaps, a sense of unexpected variety. For here, besides the manifold praises and desires and laments of love, are jests, prayers, pageants, philosophies, landscapes, dialogues, elegies, dithyrambs, visions, invectives, idylls, paeans, allegories, legends, and pastourelles.

There is great variety in form also, from the sonnet—the invention, in all probability, of Giacomo da Lentino, the leader of the very first group of Italian poets—to the Odi barbare of Carducci. Very interesting, from the point of view of form, are the many poems in free verse with occasional rhyme—such as the delightful *Passando con pensier* of Sacchetti (14th Century) or the noble *Odes* of Leopardi.

If the reader is limited to the English pages there will come to him, I think, as he passes from poem to poem, a curious sense of allurements and of disappointment, of expectation stirred and not satisfied, of beauty and power almost, but not quite, revealed. For the Italian poems themselves are rich in beauty and in power, while the translations mirror but darkly the thought and feeling of the original. Not for lack of preparation or of care: the translator has worked with loving faithfulness, and possesses an excellent knowledge of Italian. But she has not herself the poetic gift in so rich a measure as to transcend what she rightly calls "the almost insuperable difficulties" of lyric translation; she fails now and then in the discernment of the essential point of a poem or a stanza, and suffers when she invites comparison with Rossetti or Symonds.

Yet there are certain poems and groups of poems—those of power rather than those of beauty—for which her renderings are splendidly adequate: Manzoni's *Ode on the Death of Napoleon*, for instance, and several of the poems of Leopardi.

In her preface Madame de' Lucchi expresses the hope that the plan of printing both the Italian and the English texts may lead the English reader to the study of the Italian poems. It will, I think, kindle in the English reader a strong desire to understand the Italian poems; but the translations, loyal though they are, will by no means serve to convey such understanding. They will suggest the meanings of many words, and of complete phrases here and there—but there is no queenly road to linguistic mastery.

Those who already know and love Italian literature will appreciate the excellence of Madame de' Lucchi's choice of poems; will enjoy the many notably successful passages in her translations; and will bear her gratitude for her service in making the treasures of the Italian lyric more widely known.

ERNEST H. WILKINS.

## A Page of Fiction

*Old Crow*, by Alice Brown. New York: The Macmillan Company. \$2.00.

MISS BROWN has written an immature book. It is immature in its laborious reproduction of New England dialect and psychology, and in a curious forgetfulness of the scene, the absence of which lends a certain unreality to the story. It is immature by reason of the presence of the author, who cannot leave her characters alone but is forever caressing or chiding them, and who insists on having her say about the war—and says it with a scream. If we had to find a single word for this book it would be virginal.

*Anne Severn and the Fieldings*, by May Sinclair. New York: The Macmillan Company. \$2.00.

VIRGINAL is the last adjective to be applied to Miss Sinclair's latest story—nor is it immature. On the contrary it shows the fruition of the art which has been ripening since *The Tree of Heaven*; and the devices which were too obvious in its predecessors are here subdued and concealed. The presentation is external and dramatic rather than analytic. It is a synthesis of Miss Sinclair's later work. As in *The Tree of Heaven* the social complex is furnished by an English family, the members of which to Miss Sinclair's readers have become as typical as Fra Angelico's angels. Anne Severn is Mary Olivier seen from without. Again we have the exquisite loveliness of English landscape as a background for the sickness of human souls. But with all its ripeness there is something a little cloying about Miss Sinclair's last book. We grow languid from the sheer perfection of it, as of a lovely afternoon which "turns toward evening and is loth to die."

*Search*, by Margaret Rivers Larminie. New York: G. P. Putnam's Sons. \$2.00.

SEARCH, like Anne Severn, is a study of passion, but it belongs to an earlier period. Like George Eliot the author clings to renunciation as the be-all and end-all of noble fiction, and like Hardy she gives to the story an ironical twist by rendering the renunciation needless—a feature which she overemphasizes by introducing the story with its last scene. The author's comment likewise is curiously old-school. For example: "If there is no pleasure without a degree of pain, so there are few pains from which may not be extracted some element of pleasure." But in characterization, in the speech and action of the book, Miss Larminie is as modern as Miss Sinclair, and she is fresh, keen, unwearied.

*The Optimist*, by E. M. Delafield. New York: The Macmillan Company. \$2.00.

SINCE Consequences Miss Delafield's inspiration has run steadily thinner. Her characters tend to become more artificially lifelike, her social comedies more attenuated, her tone and temper more neutral and tepid. As the neighbors say of Mrs. Quiverfull: Why will she have so many of them? *The Optimist* is not unwelcome though it comes too soon. Canon Morchard, like Mr. Woodhouse in *Emma*, is an admirable minor character but he is miscast for the lead. And poor Owen Quentillian has had shell shock and is unfitted to be a hero. The heart action of the story is thus rather weak, and its color

pale. It is, however, the more engaging for its frailness, its perfect manners, and its uncanny intelligence.

*The Driver*, by Garet Garrett. New York: E. P. Dutton & Company. \$2.00.

THE DRIVER is a novel of business, the hero, Henry Galt, studied from E. H. Harriman. This fact, with contemporary material drawn from his financial and social conflicts, is the pièce de resistance of the book. A thin sauce of fiction is provided by the relation of the narrator with his hero and the latter's family. It is not piquante. Of course an author can do what he likes in his own book, even to marrying the best girl he can create, but it seems almost too personal a form of self-indulgence. Mr. Garrett presents his tale maladroitly from an interior point of view, and mixes the values of fact and fiction to the disadvantage of both.

*A More Honorable Man*, by Arthur Somers Roche. New York: The Macmillan Company. \$2.00.

ANOTHER business novel, in which we follow the career of James Willoughby, called the Magnificent, from his bicycle factory in Oldport, Mass., to supreme leadership in the financial world. We do not believe in it as we do in Henry Galt's, and when we find the Magnificent challenging the all highest of high financiers by taking from him his mistress and getting away with it—well, of course Mr. Roche knows better than we do. This splendid structure of success is built up to give the quixotic Sam Foyle a chance to reveal its hollowness by setting his own conduct over against that of the Magnificent. This pattern repeated through the book, becomes a little expected and wearisome. The story is set in a matrix of author's comment on America with its hypocrisy, illusions, and jackal patriotism, which has a faint flavor of Carlyle—and is honest and wholesome.

*The Red Redmaynes*, by Eden Phillpotts. New York: The Macmillan Company. \$2.00.

MR. PHILLPOTTS as a professional novelist has done the most professional type of novel, the story of mystery, or tale of ratiocination as it used to be called. He has done it with professional exactness and competence, with the hard glaze of unreality in characterization and style which has been the approved professional manner of the polite detective story since Wilkie Collins. Mr. Phillpotts gives one turn of the screw which is new in the fiction of crime and would have pleased intensely De Quincey's amateurs of murder. He has also introduced a pleasing novelty for the mystification of the reader in the fact that the first detective whom we meet is in the story only to be foiled, his errors corrected by the super-sleuth, who, according to the best precedents, is an American. Yet, when all is said, we like Mr. Phillpotts as a brilliant amateur on the moors of Darts better than as a professional.

*The Penitent*, by Edna Worthley Underwood. Boston: The Houghton Mifflin Company. \$2.00.

A PORTENTOUSLY stiff and serious historical novel of Russia under Alexander I, with Pushkin as a leading figure. The characters are as carefully made up and dressed to period as wax works—and as dead. The advertisement of the book as the first of a trilogy wrings from us a cry of protest and warning: Don't.

## American Literature of the Present Day

*Contemporary American Literature: Bibliographies and Study Outlines*, by John Matthews Manly and Edith Rickert. New York: Harcourt, Brace & Company. \$1.50.

THIS is a type of book at which it is easy to turn up one's nose. "For women's clubs," says the jacket, "teachers, in fact, for anyone who wants to keep up with contemporary writing." But one would better do his eyebrow lifting and shoulder shrugging before taking up the book. Then, but not in the Duke's sense, all smiles cease together. One is moved to the fervid tributes of the testimonial writer: "For years I have tried . . . but after using for one month. . . ."

At the start is a preface on how to use the book, a preface which is in part an explanation of the governing principles in its compilation. There follow bibliographical material on the periodicals, general works of reference, collections of poems, plays, short stories and essays, and bibliographies of short plays and short stories. The body of the book, 165 pages, is an alphabetical index of ninety-nine poets, forty-nine dramatists, about one hundred and fifty writers of fiction, twenty-four essayists, and sixty-five writers of other kinds of prose, with each of whom is given a brief biography, suggestions for reading, a list of works and a list of criticisms. At the end are genre, background and subject classifications.

Two types of criticism can be directed at such an undertaking. One is as to the principles of selection and the application of those principles, and the other is as to its accuracy. In the first case it must be admitted at the start that no two sets of judgments would ever coincide. Thus I miss John Graham Brooks and Gerald Stanley Lee; and wonder why Josephine Daskam is in and Anna Branch is out. But these are personal judgments. Only one writer has been done a real injustice. "Anne Knish" was very properly included in the classified index of poets, but her fellow spectrist "Emanuel Morgan" was overlooked. Yet even he is given his due in the entry under Witter Bynner. I don't know who would have succeeded better than he in wrestling with the problem of inclusions and omissions.

When one comes to accuracy, anyone with the least experience must know that in such an array of detail the only question can be as to the smallness of the percentage of error. In the first place it is impossible to bring such a work up to the date of its own publication. Somewhere in the proof-reading stages, I suppose, Van Doren's *Contemporary American Novelists* appeared. This important reference work slipped by, though several other books of 1922 were included. It partakes of Kreymborg's whimsicality that the study suggestions for him are numbered 1, 2, 3 and 5. William Dean Howells died in 1920 (not 1921).

Probably painful sleuthing could uncover a number of slips of no more importance; but a variety of checkings has led me to a respectful confidence in the accuracy of the book. And I have not only examined it; I am referring to it all the time. "After taking for one month I am compelled to say. . . ."

PERCY H. BOYNTON.

## Books of the Month

Conquest of Mexico

by F. H. Prescott, edited by T. A. Joyce and illustrated by Keith Henderson. (Holt; \$12.00)

The Negro in Chicago: A Study of Race Relations and a Race Riot

*Report of the Chicago Commission on Race Relations.* (Chicago; \$6.00)

Child Psychology (3 Vols.)

by Vilhelm Rasmussen. (Knopf; \$5.00)

The McKinley and Roosevelt Administrations

by James Ford Rhodes. (Macmillan; \$5.00)

Forty Years of Diplomacy

by Baron Rosen. (Knopf; \$7.50)

Henry Ford: My Life and Work

by Henry Ford, in collaboration with Samuel Crowther. (Doubleday; \$3.50)

Life of William Hazlitt

by P. P. Howe. (Doran; \$5.00)

Lincoln

by Nathaniel Wright Stephenson. (Bobbs-Merrill; \$3.00)

Catherine de Médicis, Queen of France (2 Vols.)

by Paul Van Dyke. (Scribner; \$9.00)

A Book About Myself

by Theodore Dreiser. (Boni; \$3.50)

Correspondence of James Fenimore Cooper

by James Fenimore Cooper. (Yale; \$7.50)

Americans

by Stuart P. Sherman. (Scribner; \$2.00)

Studies in Literature

by Sir Arthur Quiller-Couch. (Putnam; \$2.50)

History of French Literature

by William A. Nitze and E. P. Dargan. (Holt; \$5.00)

Rossetti and His Circle

by Max Beerbohm. (Heinemann; 25s.)

Anne Severn and the Fieldings

by May Sinclair. (Macmillan; \$2.00)

### Contributors

W. E. BURGHARDT DU BOIS was a professor of economics and history at Atlanta University from 1896 to 1910, since which time he has been director of publicity for the National Association for the Advancement of Colored People and the editor of the *Crisis*. He is the author of a number of books dealing with the Negro problem.

CHARLES MERZ recently spent some months in China.

BABETTE DEUTSCH has published one volume of poems *Banners*, and with Avrahm Yarmolinsky, has translated and edited *Modern Russian Poetry*, an Anthology.

WILLIAM ROSE BENÉT has been associate editor of the *Literary Review* of the New York Evening Post since 1920. He has published several volumes of poems, *The Falconer of God*, *Moons of Grandeur*, etc.

J. SALWYN SCHAPIRO is a professor of history in the College of the City of New York and the author of *Modern and Contemporary European History*.

ERNEST H. WILKINS is a professor of Romance Languages at the University of Chicago. He is the author of *Dante: Poet and Apostle*, the translator of Papini's *Four and Twenty Minds*, and the general editor of the University of Chicago Italian Series.

PERCY H. BOYNTON is a professor in the English department of Chicago University and the author of *London in English Literature* and *A History of American Literature*.

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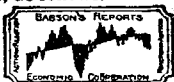
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|--------|-------------------------------------------------------|------------------|-------|------|--------|
| 12.    | The Teeth in Relation to the Health of the Body ..... | Dr. Malevanchik  | Mon.  | 7.30 | \$3.00 |
| 13.    | Parentage and the Care of the Child .....             | Dr. Liber        | "     | 8.30 | 3.00   |
| 14.    | The History and Appreciation of Modern Music .....    | Dr. Sapiro       | Tues. | 7.30 | 4.00   |
| 15.    | The Achievements of Contemporary Science              | Dr. Williams     | "     | 8.30 | 2.50   |
| 16.    | Seminar in Aristotle..                                | Dr. Durant       | Wed.  | 7.30 | 1.50   |
| 10.    | An Outline of History (Jan. 3-Feb. 7) .....           | Dr. Durant       | "     | 8.30 | 1.50   |
| 17.    | Forces in American Life (Feb. 14-Mar. 21)             | Dr. Neumann      | "     | 8.30 | 1.50   |
| 18.    | Modern Jewish Literature .....                        | Mr. Sechooler    | Thur. | 7.30 | 1.50   |
| 19.    | Psychology Applied to Individual Development          | Prof. Overstreet | "     | 8.30 | 4.00   |
| 20.    | An Anthropological Study of Religion .....            | Mr. Kallet       | Fri.  | 7.30 | 1.50   |
| 21.    | Dietetics: Our Newer Knowledge of Nutrition           | Dr. Stone        | "     | 8.30 | 3.00   |
| 11.    | An Outline of Literature (Jan. 7-Feb. 11)             | Dr. Durant       | Sun.  | 5.00 | 1.50   |
|        | The Symphony Players of N. Y. (Feb. 18-Mar. 18)       | Mr. Margolis     | "     | 5.00 | 1.25   |

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